

# Exhibit 20

**In the Matter of:**  
**JOSHUA GLASSCOCK, et al.**  
**vs.**  
**SIG SAUER, INC.**

**MATT FARKAS**  
*September 23, 2024*



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1           IN THE UNITED STATES DISTRICT COURT FOR THE  
2                           WESTERN DISTRICT OF MISSOURI

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3  
4 JOSHUA GLASSCOCK, on  
5 behalf of himself and all  
6 others similarly situated,

7           Plaintiffs,

8 vs.

Case No.  
22-CV-3095-SRB

9 SIG SAUER, INC.,

10          Defendant.

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14                           VIDEOTAPE DEPOSITION OF:

15                           MATT FARKAS

16  
17                   Taken on behalf of the Plaintiffs

18                           September 23, 2024

19                           Commencing at 10 a.m.

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21  
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23                           LEXITAS

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I N D E X

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MATT FARKAS

Examination:

By Mr. Werts

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## S T I P U L A T I O N S

The deposition of MATT FARKAS was taken by counsel for the Plaintiff by agreement of the parties at the Embassy Suites, 507 South Gay Street, Knoxville, Tennessee on September 23, 2024 for all purposes under the Tennessee Rules of Civil Procedure.

All formalities as to caption, notice, statement of appearance, et cetera, are waived. All objections except as to the form of the question are reserved to the hearing and that said deposition may be read and used in evidence in said cause of action in any trial thereon or any proceeding herein.

It is agreed that Amy J. Schreck, Licensed Court Reporter for the State of Tennessee may swear the witness and that the reading and signing of the completed deposition by the witness was reserved.

\* \* \*

THE VIDEOGRAPHER: We are now on the record. This is the videotape deposition of Matthew Farkus. Today's date is September 23, 2024 and the time is 10:03 a.m.

In the matter of Joshua Glasscock on behalf of himself and all others similarly situated v. SIG Sauer, Incorporated filed in the United States District Court for the Western District of Missouri. This deposition is being held at the Embassy Suites in Knoxville, Tennessee.

Will counsel please identify themselves for the record.

MR. WERTS: Todd Werts on behalf of the Plaintiffs.

MR. GIBSON: Keith Gibson, Littleton, Park, Joyce, Uchetta & Kelly on behalf of SIG Sauer.

WHEREUPON,

MATT FARKAS,  
was called and after having been first duly sworn testified as follows:



10:03 1 EXAMINATION

2 QUESTIONS BY MR. WERTS:

3 Q. Good morning.

4 A. Morning.

10:03 5 Q. Could you please tell us your name.

6 A. Matthew Farkus.

7 Q. And you're currently employed with SIG

8 Sauer; is that correct?

9 A. That's correct.

10:04 10 Q. What is your current job title?

11 A. Senior Director of Law Enforcement Sales.

12 Q. How long have you had that title?

13 A. I'm not sure. Probably seven, eight

14 years.

10:04 15 Q. What was your title before that?

16 A. Director of Law Enforcement Sales.

17 Q. How long did you have that one?

18 A. I want to say for four years or so.

19 Q. Were you employed by SIG Sauer before you

10:04 20 became a Director of Law Enforcement Sales?

21 A. I was.

22 Q. What was your job title then?

23 A. Regional Manager.

24 Q. How long did you have that role?

10:04 25 A. Probably about two years.

10:05 1 Q. So, let's talk about your role as a Senior  
2 Director of Law Enforcement Sales.

3 What do you do?

4 A. I oversee all Law Enforcement Sales east  
10:05 5 of the Mississippi River and occasionally special  
6 projects.

7 Q. Does Federal law enforcement follow that  
8 purview?

9 A. No, they do not.

10:05 10 Q. Other than Federal law enforcement though,  
11 you're in charge of all east of the Mississippi  
12 Law Enforcement Sales both State agencies and  
13 municipalities.

14 Is that right?

10:06 15 A. That's correct.

16 Q. And how is your current role different  
17 than what you did as a Director of Law  
18 Enforcement Sales?

19 A. So when I got promoted to director of Law  
10:06 20 Enforcement Sales, I had the entire country. It  
21 was a one person position. As the company grew  
22 and our group grew, it got segmented into  
23 East/West. So, I was the Director of the East  
24 and then became Senior Director shortly  
10:06 25 thereafter.

10:06 1 Q. Okay. Is there a contemporary who is the  
2 senior director for the West?

3 A. He's a director.

4 Q. He's a director?

10:07 5 A. Yes.

6 Q. Who is that?

7 A. Tom Mechling.

8 Q. How long has Mr. Mechling been in that  
9 role as Director of the Wwest? It's a great  
10:07 10 title, by the way.

11 A. Probably five or six years.

12 Q. Was there ever any other director of  
13 West -- western United States Law Enforcement  
14 Sales before Mr. Mechling came to that role?

10:07 15 A. Yes.

16 Q. Who is that?

17 A. Joe Lienemann.

18 Q. Can you spell that last name for our court  
19 reporter?

10:07 20 A. L-i-e-n-e-m-a-n-n (phonetic). That's a  
21 guess.

22 Q. Is Mr. Lienemann still with SIG Sauer?

23 A. No.

24 Q. When did Mr. Lienemann leave SIG Sauer?

10:07 25 A. Just before Tom Mechling became the

10:07 1 director.

2 Q. Had Mr. Mechling been with SIG prior to  
3 that?

4 A. Yes.

10:08 5 Q. What was his role prior to becoming  
6 director for the West?

7 A. He was a regional manager.

8 Q. So when you say that you oversee all east  
9 coast Law Enforcement Sales, what do you mean?

10:08 10 What are you overseeing?

11 A. So, currently I have nine regional  
12 managers or territory representatives that cover  
13 the 24 or so states that fall east of the  
14 Mississippi.

10:08 15 Q. You used two different titles there:  
16 Regional manager and territory representative.

17 Are those two different things or two  
18 different names for the same type of person?

19 A. So, they're two different things.

10:08 20 Typically the territory representatives are  
21 part-time, they have smaller responsibilities but  
22 same role.

23 Q. Of the nine folks that are in the regional  
24 manager territory representative role, how many  
10:09 25 of them are full time regional managers and how

10:09 1 many are part-time territory reps?

2 A. There are eight full time and one  
3 part-time.

4 Q. How long has that been the work force size  
10:09 5 of your firm?

6 A. Since January of 2024.

7 Q. What was it prior to that?

8 A. We added -- we added three regional  
9 managers -- may have actually been four regional  
10:09 10 managers. There were five regions and there were  
11 two -- it was a territory rep. So, I believe it  
12 was five and one prior to that.

13 Q. How long had it been five and one?

14 A. Quite sometime.

10:10 15 Q. Prior to 2017?

16 A. The reason I'm thinking is we separated  
17 Florida out of our regional manager area and  
18 added somebody down there who had a hybrid role.  
19 So, he was full time and all he covered was  
10:10 20 Florida but that fell under the regional manager  
21 of that southeast region. I want to say that  
22 probably happened in 2019 or maybe 2020.

23 Q. What was the hybrid role?

24 A. So, he fell under the regional manager  
10:11 25 that covered the southeast but he had a training

10:11 1 component. He was somebody that moved over from  
2 the SIG Academy.

3 Q. And just for folks that may be reading  
4 this transcript later, what is the SIG Academy?

10:11 5 A. It's a training facility located in New  
6 Hampshire.

7 Q. Did that facility ever provide training to  
8 law enforcement agencies or officers?

9 A. Yes.

10:11 10 Q. How long has it done that?

11 A. As long as I've been involved with SIG.

12 Q. That goes back to 2010; is that right?

13 A. Correct.

14 Q. Have you ever given a deposition before?

10:12 15 A. Yes.

16 Q. How many times?

17 A. I'm not certain.

18 Q. What is your best estimate?

19 A. Probably three or four, maybe five times.

10:12 20 Q. Have all those depositions been related to  
21 your work at SIG Sauer?

22 A. No.

23 Q. How many -- have any of them been related  
24 to your work at SIG Sauer?

10:12 25 A. Yes.

10:12 1 Q. How many?

2 A. One, maybe two -- one. Pretty sure it's  
3 just one but it may have been two.

4 Q. Let's take the non-SIG related ones first.

10:12 5 When did you first give a deposition?

6 A. I can't even guess. It was probably  
7 through my previous employment.

8 Q. And who was that with?

9 A. With the New Jersey State Police.

10:13 10 Q. What was your role in the New Jersey State  
11 Police?

12 A. Throughout my career or at the time of the  
13 deposition?

14 Q. I guess both. Let's start at the  
10:13 15 beginning and work to the end.

16 A. So, I was a general road duty trooper for  
17 probably about 18 years. I worked the tactical  
18 patrol unit for approximately four years, then  
19 into the training side and finishing up at the  
10:13 20 firearms training.

21 Q. When was that?

22 A. I retired in 2006.

23 Q. That first deposition you gave in the New  
24 Jersey State Police, was that case related?

10:14 25 A. I believe so.

10:14 1 Q. And when I say "case related," I'm trying  
2 to grab the umbrella of criminal investigations  
3 that the New Jersey State Police may have been  
4 involved with.

10:15 5 A. It may have actually been traffic related.

6 Q. What is the difference in your mind  
7 between those two things?

8 A. I believe one was civil litigation as a  
9 result of a fatality and there may have been two

10:14 10 of them. I don't know that I ever gave a  
11 deposition for anything criminal.

12 Q. Okay. And it's on the list so I'll ask.  
13 Even for a law enforcement officer, have you ever  
14 testified live in court?

10:14 15 A. Yes.

16 Q. How many times?

17 A. I have absolutely no guess.

18 Q. More than a hundred?

19 A. Yes.

10:15 20 Q. Have you ever testified live in court  
21 related to your work with SIG Sauer?

22 A. No.

23 Q. You said there was one, maybe two  
24 depositions related to your work with SIG Sauer.

10:15 25 What is the one deposition that you're



10:15 1 clearly remembering?

2 A. I believe the case was Powers.

3 Q. Powers v. SIG Sauer?

4 A. I just knew it to be named the Powers

10:15 5 case.

6 Q. Fair enough. When was that?

7 A. Within the last couple years.

8 Q. Where did you give that deposition at?

9 A. I believe that was from my home. It was a

10:15 10 video conference.

11 Q. Did that case involve an unintentional  
12 discharge or alleged unintentional discharge of a  
13 SIG Sauer P320?

14 A. Yes.

10:16 15 Q. Is that the only time you can remember  
16 giving testimony about the SIG Sauer P320?

17 A. Yes.

18 Q. Have you ever served in the military?

19 A. No.

10:16 20 Q. Ever been convicted of a crime?

21 A. No.

22 Q. Ever personally filed for bankruptcy?

23 A. No.

24 Q. Any reason today -- medical, emotional or

10:16 25 otherwise -- that you couldn't remember and give

10:16 1 honest testimony today?

2 A. That I can remember?

3 Q. And give honest testimony today?

4 A. No.

10:17 5 (WHEREUPON, a document was marked as  
6 Exhibit 1 and the witness reviewed the document.)

7 BY MR. WERTS:

8 Q. As we go along today, I'll be passing  
9 you exhibits. I'm really not trying to throw  
10:17 10 them at you but I'll try to get them all the way  
11 over to you because we've got a little distance.

12 I've handed you what's been marked  
13 Deposition Exhibit 1. Have you ever seen this  
14 before?

10:17 15 A. No.

16 Q. Can you turn to Page 4 of 5 for me?

17 A. I have seen this, yes.

18 Q. Okay. And it's my understanding that  
19 you've been designated by SIG Sauer to speak on  
10:18 20 Topic 10 which is "SIG Sauer's relationship with,  
21 communications to, and documents concerning the  
22 {typo} any other law enforcement agency in the  
23 United States or otherwise and the P320, M-17, or  
24 M-18."

10:18 25 Is that your understanding?

10:18 1 A. Yes.

2 Q. And you understand that for today's  
3 purposes you're not just testifying for yourself;  
4 you're actually the voice of SIG Sauer testifying  
10:18 5 on behalf of the company?

6 A. Yes.

7 Q. And have you been authorized by SIG Sauer  
8 to give that testimony on its behalf?

9 A. Yes.

10:18 10 Q. Tell me what SIG Sauer has done to gather  
11 all of its knowledge known or reasonably  
12 available to it with respect to the Topic 10 that  
13 you've been designated to talk on.

14 MR. GIBSON: I'll put an objection. Any  
10:19 15 discussion that we've had is not something you  
16 talk about but beyond that you can answer.

17 THE WITNESS: I'm not sure I quite  
18 understand the question.

19 BY MR. WERTS:

10:19 20 Q. Sure. You've been given a topic to speak  
21 on behalf of SIG Sauer. Right?

22 A. Yes.

23 Q. So, what has SIG Sauer done to get you  
24 ready to talk for it?

10:19 25 A. We had -- I had conversations with Keith

10:19 1 and Eric Finkleman.

2 MR. GIBSON: You just can't get into the  
3 substance. You can tell him about --

4 A. Yes. I'm trying to remember Crystal's  
10:19 5 (phonetic) -- yeah, we had conversations with the  
6 attorneys for SIG --

7 Q. Okay.

8 A. -- as far as my knowledge pertaining to  
9 questions.

10:19 10 Q. Who is Crystal?

11 MR. GIBSON: She's a paralegal.

12 MR. WERTS: Is she on your team or  
13 in-house?

14 MR. GIBSON: She's at SIG.

10:20 15 A. And I believe she was on those calls. I'm  
16 not even certain.

17 MR. GIBSON: She may have been one of  
18 them. If we need information, that's where we  
19 can get it.

10:20 20 MR. WERTS: Every lawyer has that person.

21 MR. GIBSON: Yeah.

22 BY MR. WERTS:

23 Q. What other witnesses other than lawyers  
24 were you -- or did you speak with in preparation  
10:20 25 for today's deposition?

10:20 1 A. I spoke with Tom Jankiewicz and Tom  
2 Mechling.

3 Q. What did you learn from Tom Jankiewicz for  
4 preparation for today's deposition?

10:20 5 A. What was the conversation about?

6 Q. Uh-huh.

7 A. It was about the information pertaining to  
8 the pre-launch of the 320.

9 Q. Anything else?

10:21 10 A. No. That was it.

11 Q. Okay. What did you talk to Mr. Mechling  
12 about?

13 A. The number of times that he had done any  
14 presentation in the police department regarding  
10:21 15 the P320.

16 Q. What was that number?

17 A. Approximately 20 or so.

18 Q. Have you ever done any presentations at  
19 law enforcement agencies regarding the SIG Sauer  
10:21 20 P320?

21 A. Yes.

22 Q. How many times?

23 A. So in the scope of the question that Tom  
24 Mechling and I were speaking of which was  
10:22 25 unintentional discharges, approximately the same

10:22 1 number of times.

2 Q. So let me break that down a little bit.

3 So that I understand it, each of you have given  
4 approximately 20 presentations to law enforcement  
10:22 5 agencies about unintended discharges on the P320.

6 Is that correct?

7 A. Been present during their presentations,  
8 yes.

9 Q. Was someone else giving these  
10:22 10 presentations?

11 A. For the most part, yes. They were  
12 either -- they were either presentations given by  
13 Luke Graziano, G-r-a-z-i-a-n-o --

14 Q. Thank you.

10:23 15 A. -- or during inspections of pistols  
16 conducted by Al Larochelle, L-a-r-o-c-h-e-l-l-e.

17 Q. Have you ever personally attended a  
18 presentation regarding unintended discharges on  
19 the SIG Sauer P320 given by anyone else other  
10:23 20 than Mr. Graziano or Mr. Larochelle?

21 A. Not specific meetings that had that as the  
22 main focus or the purpose. I have been at  
23 presentations given by regional managers where  
24 the topic came up.

10:24 25 Q. How many such regional manager meetings

10:24 1 have you been at on the Topic of P320, unintended  
2 discharges, came up?

3 A. I can't even guess. It was not a unique  
4 topic of conversation. I spend a good deal of my  
10:24 5 year traveling with the people that work under me  
6 and I don't -- I wouldn't call it routine but it  
7 certainly is an oddity for someone to have a  
8 question or raise concern over something they may  
9 or may not have heard on the internet.

10:25 10 Q. Does the law enforcement department at SIG  
11 Sauer market and sell its full line of pistols to  
12 law enforcement agencies?

13 MR. GIBSON: Can you just re-ask it or can  
14 you read that?

10:25 15 (The last question was read by the  
16 reporter.)

17 BY MR. WERTS:

18 Q. Okay.

19 A. We do not market it. We have a marketing  
10:25 20 department and I'm not quite sure I understand  
21 our full line.

22 Q. SIG Sauer makes other pistols. Right?

23 A. Correct.

24 Q. Do you sell them all to cops?

10:25 25 A. So, we have a specific price list that is

10:25 1 geared towards law enforcement. Whether a cop  
2 purchases one of the firearms is not on that  
3 price list, I would not know. However,  
4 agency-wide we have specific firearms that we  
10:26 5 sell to law enforcement.

6 Q. The P320 is one of those. Correct?

7 A. Correct.

8 Q. And the P365?

9 A. Yes.

10:26 10 Q. The P226?

11 A. Yes.

12 Q. P229?

13 A. Yes.

14 Q. Are there others?

10:26 15 A. Yes.

16 Q. What are the others?

17 MR. GIBSON: Place an objection; it's  
18 outside the scope. You can answer.

19 MR. WERTS: It will come back into the  
10:26 20 scope.

21 THE WITNESS: The M-17, the M-18, P220.  
22 Are we limited to pistols or do you want rifles  
23 as well?

24 BY MR. WERTS:

10:27 25 Q. Let's stick with pistols for today.



10:27 1 A. I think that's all of them. I may have  
2 missed one.

3 Q. Those are the five I was expecting. I  
4 couldn't remember the 220 --

10:27 5 A. Right.

6 Q. -- is the reason I asked it that way.  
7 When you are at presentations regarding the SIG  
8 Sauer P229, do you receive as many questions  
9 about unintended discharges as you do regarding  
10:27 10 the P320?

11 A. It's been quite sometime since I've had  
12 anybody look at any of our hammer-fired line of  
13 the P229 or the P226 or the P221.

14 Are there more questions regarding the  
10:27 15 P320? Yes.

16 Q. Have you ever been in one of these  
17 meetings where someone raised unintended  
18 discharge concerns about the 220 and the 226 or  
19 the 229?

10:28 20 A. Not that I recall.

21 Q. So talking or going back to the  
22 presentations performed by Mr. Graziano, does he  
23 have like a PowerPoint slide show that he uses to  
24 support these presentations?

10:29 25 Tell me about that.

10:29 1 A. Yes, he does.

2 Q. Is it kind of a standard slide show?

3 A. I'm not quite sure what you mean by  
4 "standard."

10:29 5 Q. Does he use the same one every time or is  
6 there a different one for every department?

7 A. It's fairly standard in that respect.  
8 However, as updates occur, that information is  
9 drafted into it.

10:29 10 Q. My wife used to be in nationwide sales and  
11 she had a PowerPoint for the first two slides are  
12 different with the agency name but otherwise it  
13 was the same.

14 Is it something like that? Is what we're  
10:29 15 talking about subject to some evolution over  
16 time?

17 A. Yes.

18 Q. Did that PowerPoint slide specifically  
19 address unintended discharges on the P320?

10:29 20 A. I would say yes.

21 Q. How long has it been the case that the  
22 standardized sales presentation for law  
23 enforcement agencies addressed the unintended  
24 discharges on the SIG Sauer P320?

10:30 25 A. I would say that presentation has been

10:30 1 utilized for the past two, maybe three years.

2 Q. Is there any sort of trigger for  
3 Mr. Graziano giving his presentation to a  
4 particular law enforcement agency?

10:30 5 A. Typically it follows a request for a more  
6 in-depth conversation.

7 Q. More in-depth conversation about what?

8 A. About the safety concerns of the police  
9 agency.

10:31 10 Q. How did those requests typically come in  
11 if there is a typical?

12 A. Typically through the regional manager.

13 Q. How would it get to the regional manager?

14 A. From the police department.

10:31 15 Q. So just thinking about the way in which  
16 SIG Sauer communicates with these law enforcement  
17 agencies, generally speaking organizations have  
18 one of two different types of sales paradigm.  
19 I'm just trying to get a sense of what Sig's is.

10:32 20 One is kind of more passive where the  
21 sales representative is waiting for a contact.  
22 The other is a bit more active where they are  
23 checking in from time to time and it's an ongoing  
24 conversation.

10:32 25 How does SIG handle that with law

10:32 1 enforcement agencies that have chosen a SIG Sauer  
2 pistol as its side arm?

3 A. So, are we past the sales part or are we  
4 talking about existing customers?

10:32 5 Q. I guess existing customers for now. If  
6 there's a distinction, we'll figure that out but  
7 you've got an agency that uses the P320.

8 Virginia State Police, that is one of your  
9 agencies. Correct?

10:32 10 A. Yes.

11 Q. So how often does your regional manager  
12 check in with those folks?

13 A. That is truly dependent on what is going  
14 on at the agency. So, there are times that  
10:33 15 there's very frequent contact and there are times  
16 that that contact drops off.

17 I know that -- and I will take NYPD as an  
18 example. It's a rather large police department.  
19 They do not like a lot of contact, so it was more  
10:33 20 of a quarterly meeting as opposed to an agency  
21 that was in the process of transitioning or  
22 looking to transition that contact would be more  
23 frequent.

24 Q. Does the NYPD use the P320?

10:33 25 A. They do not.

10:33 1 Q. Have they ever?

2 A. No.

3 Q. Did they use any SIG firearms?

4 A. Yes.

10:33 5 Q. What do they use?

6 A. P226.

7 Q. What is Mr. Graziano's role within SIG  
8 Sauer?

9 A. So, he is a territory representative. He  
10:34 10 covers metro New York, Long Island, Westchester  
11 County.

12 Q. Does Mr. Graziano give that safety concern  
13 presentation about the P320 to agencies outside  
14 of his typical assigned territory?

10:34 15 A. Yes.

16 Q. Does he do that on both the east and west  
17 coast?

18 A. Yes.

19 Q. Or not coast but --

10:34 20 A. I got you.

21 Q. You also said that the other type of  
22 presentations were those performed by Mr. Al  
23 Laroche; is that right?

24 A. Yes.

10:35 25 MR. GIBSON: Object to form. I don't

10:35 1 think he said Al gave presentations. He said  
2 when questions come up or he's been a part of it.  
3 It's during inspection by Mr. Larochelle.

4 MR. WERTS: Sometimes the objections we  
10:35 5 just push past them and sometimes I appreciate  
6 the clarification on that one.

7 BY MR. WERTS:

8 Q. You said that -- I guess, what is it that  
9 you've seen Mr. Larochelle do? Let's ask you  
10:35 10 that.

11 A. So, he is a senior gunsmith and he would  
12 go to police departments to do inspections and  
13 respond to questions as they arose during those  
14 inspections.

10:36 15 Q. Did Mr. Larochelle have any sort of  
16 PowerPoint presentation as part of that response?

17 A. He does not that I'm aware of. I've never  
18 witnessed one.

19 Q. How many such inspections has  
10:36 20 Mr. Larochelle performed related to the P320?

21 A. Not all of his inspections are done in the  
22 field. I would say a handful in the field and I  
23 cannot even guess how many he's done on guns that  
24 are returned to SIG.

10:36 25 Q. If we limit it to guns returned to SIG

10:36 1 from law enforcement agencies, can you give an  
2 estimate on how many unintended discharge  
3 inspections Mr. Larochelle has performed?

4 A. I do not know.

10:36 5 Q. More than a hundred?

6 A. I don't know. I would say he's done every  
7 inspection on a firearm that was involved in an  
8 unintended or negligent discharge where the  
9 agency wanted us to inspect the gun.

10:37 10 Q. When we're talking about anything that I  
11 find particularly true with firearms, I think  
12 terminology can matter.

13 Is there a distinction in your mind  
14 between an unintended discharge and a negligent  
10:37 15 discharge?

16 A. There is.

17 Q. Okay. Tell me about that.

18 A. I think an unintended discharge for me is  
19 the timing where you intend to have a firearm  
10:37 20 fire but not intentionally it fires prior to you  
21 wanting it to go off.

22 I think negligent is a discharge that  
23 occurs through negligence of the person  
24 controlling the firearm.

10:38 25 Q. Another term I've seen in some of the

10:38 1 documents is accidental discharge.

2 Is that equivalent to one of those two  
3 terms or yet a third term?

4 A. Say that would probably be more fall  
10:38 5 closer to the unintentional.

6 Q. Is there any distinction between an  
7 accidental discharge and an unintended discharge  
8 in your mind?

9 A. Probably not.

10:38 10 Q. So as I understand your definitions, an  
11 unintended discharge is a firearm firing in a  
12 general sequence of events where the user is  
13 eventually expecting it or wanting it to go off  
14 but the gun goes off early.

10:39 15 Is that correct?

16 A. I would say that's close.

17 Q. Okay. How am I wrong?

18 A. I'm not sure you're wrong. I've never  
19 given it a whole lot of thought. I know that in

10:39 20 my mind there are a lot of discharges that people  
21 want to have captured under the umbrella of  
22 unintentional when, in fact, they are negligent.

23 Q. And that's what I'm trying to just  
24 understand your umbrellas ultimately.

10:39 25 A. Yep.



10:39 1 Q. So as I understand kind of the -- are you  
2 familiar with the concept of a Venn diagram or  
3 two circles that overlap?

4 A. Uh-huh.

10:39 5 Q. Is that a yes? I'm sorry.

6 A. Yes.

7 Q. And so under our negligent discharge using  
8 your terminology, that would capture the universe  
9 of any time the gun goes off that the user did  
10:40 10 not intend to -- or intend for it to.

11 Is that correct?

12 A. Can you say that one more time?

13 Q. I'll try to because I didn't do a very  
14 good job that time.

10:40 15 Is your definition of a negligent  
16 discharge any time the gun goes off when the user  
17 did not intend for it to?

18 A. I'm not quite sure. I think things do  
19 happen sometimes that are out of the control of a  
10:40 20 person. I think that the distinction for me is  
21 that categorizing everything that wasn't intended  
22 under unintended when some of them are actually  
23 negligent.

24 Q. Ultimately what I'm just trying to get at  
10:40 25 is, does there exist any -- the way that we're

10:40 1 talking about today just so you and I are  
2 communicating clearly, are there any discharges  
3 not caused by negligence where the gun goes off  
4 and the user wasn't intending it to?

10:41 5 MR. GIBSON: Just going to object to  
6 scope. You can answer.

7 THE WITNESS: I would probably need an  
8 example in order to answer that because I'm not  
9 quite sure exactly what you're asking.

10:41 10 BY MR. WERTS:

11 Q. Ultimately to just kind of a basic  
12 question of anytime a gun goes off but the user  
13 did not intend for it to, in your mind does that  
14 mean the user was negligent?

10:41 15 A. No.

16 Q. Okay. And that's what I'm trying to  
17 figure out.

18 So, what do we call those when you and I  
19 are talking today?

10:41 20 A. You can call it either accidental or you  
21 can call it unintended. To me they are almost --  
22 in my opinion, they're kind of the same.

23 Q. Okay.

24 MR. GIBSON: Can we go off the record?

10:42 25 MR. WERTS: Of course.

10:42 1 THE VIDEOGRAPHER: We're off the record.  
2 The time is 10:42.  
3 (There was a short break.)  
4 THE VIDEOGRAPHER: We are on the record.  
10:47 5 The time is 10:47.  
6 BY MR. WERTS:  
7 Q. All right. So, we were talking a little  
8 bit about some of these -- Mr. Graziano's  
9 presentation and Mr. Larochelle's answering  
10:47 10 questions.  
11 You indicated that with regard to  
12 Mr. Graziano's presentation that you had been to  
13 about 20 of those and that Mr. Mechling said he  
14 had been to about 20 of those.  
10:48 15 Is that right?  
16 A. That's correct.  
17 Q. So, is that 40 total or does it overlap  
18 there?  
19 A. It's 40 total. It could be 48. Yeah,  
10:48 20 we're close.  
21 Q. Are you able to tell me any of the  
22 agencies that received that presentation?  
23 A. I can.  
24 Q. Please do so.  
10:48 25 A. Probably the most recent was Cambridge,

10:48 1 Massachusetts; Allen County, Indiana. I'm  
2 drawing a blank. I know there's been several. I  
3 never actually went down on the list but those  
4 are the most recent that I can recall.

10:49 5 Q. When were those two?

6 A. Cambridge was in the last couple months  
7 and Allen County was in that same time frame.

8 Q. Prior to Mr. Graziano's presentation, did  
9 SIG Sauer ever have any sort of standardized  
10:49 10 talking points or other materials for talking  
11 with law enforcement agencies about concerns they  
12 might have on the P320?

13 A. There was nothing standardized.

14 Q. Was there anything written down anywhere?

10:50 15 A. No.

16 Q. You said you spoke with Mr. Jankiewicz  
17 about the pre-launch of the P320.

18 A. Yes.

19 Q. Tell me about that. What did you learn?

10:50 20 A. It was specifically about a meeting held  
21 with law enforcement agencies as to what their  
22 wants or needs were as we were developing our  
23 striker fired pistol.

24 Q. Was that one meeting or a series of  
10:51 25 meetings?

10:51 1 A. One meeting.

2 Q. When was that held?

3 A. Sometime in 2012 or 2013. It may have  
4 actually even been late 2011.

10:51 5 Q. And what did Mr. Jankiewicz tell you about  
6 that meeting?

7 A. That the meeting was run by Gary Wade who  
8 at the time was the Vice President of Law  
9 Enforcement Sales. Tom Jankiewicz was in  
10:51 10 attendance as was Steve Peneciero (phonetic) -- I  
11 have absolutely no idea how to spell it. I'm not  
12 even quite sure I'm saying it correctly. He was  
13 an engineer as well as approximately a half a  
14 dozen police agencies.

10:52 15 Q. Who were those police agencies?

16 A. He could not recall although he wants to  
17 say the San Antonio police was there but he  
18 wasn't certain but there was approximately five  
19 or six agencies.

10:52 20 Q. Were any of them Federal agencies?

21 A. No.

22 Q. Were they all municipal agencies?

23 A. I don't know.

24 Q. Were you at that meeting?

10:52 25 A. I was not.

10:52 1 Q. Do you know where the meeting was held?

2 A. Exeter, New Hampshire.

3 Q. SIG's office is there?

4 A. Yes.

10:53 5 Q. Do you know whether there was any sort of  
6 PowerPoint presentation for that meeting?

7 A. He did not recall there being one.

8 Q. Do you know how the half a dozen agencies  
9 that attended were chosen?

10:53 10 A. I do not.

11 Q. Do you know whether the participating  
12 agencies filled out any sort of survey or  
13 documentation describing their wants and needs  
14 for a pistol?

10:54 15 A. No.

16 Q. And this is one of those times just to be  
17 clear, no, you don't know whether they did or,  
18 no, they did not do that?

19 A. No, I do not know that they did that.

10:54 20 Q. Are there any documents memorializing any  
21 of the findings from that meeting?

22 A. Not that Tom or -- Tom Jankiewicz or I are  
23 aware of.

24 Q. Did Mr. Jankiewicz share with you any of  
10:55 25 the things that SIG Sauer learned in that

10:55 1 meeting?

2 A. Yes.

3 Q. What did he share with you?

4 A. That the two main wants or desires from  
10:55 5 the attendees was that the striker fired pistol  
6 that we developed did not have to involve a  
7 trigger press for disassembly and it had a more  
8 tactile trigger press and an audible reset.

9 Q. Anything else?

10:55 10 A. No.

11 Q. We're going to -- I know you're not an  
12 engineer at SIG. Correct?

13 A. That is correct.

14 Q. Okay. So to ask you a bunch of detailed  
10:55 15 engineering questions, not your topic.

16 You're not here to talk about that.

17 Right?

18 A. That's correct.

19 Q. So we're talking really broad views for  
10:56 20 just somebody who may be reading this transcript.

21 A. Okay.

22 Q. When you say that you don't have to press  
23 the trigger to disassemble, briefly describe for  
24 whoever may read what that means.

10:56 25 A. So, many of our competitor pistols in

10:56 1 order to fieldstrip the pistol -- which means  
2 removing the slide from the frame of the gun and  
3 removing the barrel for cleaning -- our  
4 competitors require the gun to be -- the gun to  
10:56 5 have the trigger pressed before you can actually  
6 disassemble the gun.

7 Q. And the P320 has a particular lever on it  
8 that allows it to be disassembled without a  
9 trigger pull; is that right?

10:56 10 A. That's correct.

11 Q. So the other thing you mentioned because  
12 you said there were two things they wanted but  
13 then the second thing kind of had two parts, so I  
14 just want to make sure.

10:57 15 You said that they wanted an audible reset  
16 and a tactile trigger pull. Are those the same  
17 thing or is that two different things?

18 A. I guess they are two separate things  
19 within the same thing.

10:57 20 Q. Okay. Tell me about that.

21 A. It's probably best illustrated in a dry  
22 fire exercise which means the gun is unloaded,  
23 that as you press the trigger you can feel the  
24 engagement prior to the gun firing.

10:57 25 And once the trigger is pressed to the



10:57 1 rear, if you cycle the slide, you can feel and  
2 hear the reset when the trigger resets to a  
3 position where it can fire again.

4 Q. And so some of these characteristics of  
10:58 5 the P320 you just kind of have to feel -- feel it  
6 as you're using it to actually understand it.

7 Is that fair?

8 A. That's fair.

9 Q. You said it's an audible reset. What do  
10:58 10 you mean by that?

11 A. You can actually hear the click.

12 Q. And is -- which click? The click of when  
13 the trigger is pulled and the pistol would dry  
14 fire or --

10:58 15 A. Pulling reset. So when the trigger hits  
16 that spot where you can reengage and fire again.

17 Q. I think now I can understand that. This  
18 is going to take a lot of words but we'll try to  
19 work through it.

10:58 20 So as I understand it, the tactile  
21 field -- are you talking about the pre-travel  
22 takeup of when the initial movement of the  
23 trigger until it actually hits some weight or  
24 resistance?

10:59 25 A. Right. We call it "the wall."

10:59 1 Q. And so the pre-travel, there's not much  
2 resistance at all to moving the trigger back.

3 There's some but it's not really waited,  
4 is it?

10:59 5 MR. GIBSON: Object to form. You can  
6 answer.

7 THE WITNESS: I'm not necessarily sure if  
8 it's weighted or not. There is travel.

9 BY MR. WERTS:

10:59 10 Q. I'm really not trying to make it a loaded  
11 question.

12 A. No pun intended.

13 Q. When we talk about trigger weight, is that  
14 a concept that you're familiar with?

10:59 15 A. Yes.

16 Q. Okay. And so -- and that's once we hit  
17 the wall, that is when that weight starts that  
18 you have to pull through.

19 Is that right?

10:59 20 A. I would say that's fair.

21 Q. Okay. That's all I'm trying to get at.  
22 So, you pull the trigger past the wall and the  
23 gun discharges?

24 A. Correct.

11:00 25 Q. And then whenever you're releasing the

11:00 1 trigger back, is there an audible click?

2 A. So, in order to do it when you're dry  
3 firing, if you then cycle the slide manually, as  
4 you let the trigger out, you will hear and feel a  
11:00 5 reset.

6 Q. Okay. What if it's not a dry fire? What  
7 if it's a live fire?

8 A. It's very difficult to hear.

9 Q. Can you feel it?

11:00 10 A. Some can, yes.

11 Q. Were there any other take-aways from that  
12 meeting besides the not having to pull the  
13 trigger during disassembly and the tactile  
14 trigger pull with an audible reset?

11:01 15 A. No.

16 Q. So if there's no other feedback, there was  
17 no discussion or feedback given as to the  
18 inclusion or exclusion of the manual safety as a  
19 trigger safety?

11:01 20 A. That wasn't anything that was brought up  
21 when I talked to Tom Jankiewicz.

22 Q. Who is Tom Jankiewicz?

23 A. He's the Executive Vice President of Law  
24 Enforcement Sales.

11:02 25 Q. And is that the highest person in the Law

11:02 1 Enforcement Sales department?

2 A. Yes.

3 Q. Is that who you report to currently?

4 A. Yes.

11:02 5 Q. Is that who Mr. Mechling reports to

6 currently?

7 A. Yes.

8 Q. Does anyone else report to him currently?

9 A. Dave Jones.

11:02 10 Q. Who is Dave Jones?

11 A. He's the Director of Canadian Sales.

12 Q. Anyone else?

13 A. Katie Olivia.

14 Q. Can you spell the last on that?

11:03 15 A. O-l-i-v-a.

16 Q. What is -- who is that?

17 A. I'm going to say her -- she is Tom

18 Jankiewicz' administrative assistant. And Edd

19 Jones, E-d-d, Jones, he is -- he does quality

11:03 20 inspections for law enforcement.

21 Q. Anyone else?

22 A. None that I can think of.

23 Q. What do you mean by "quality inspections

24 for law enforcement"?

11:03 25 A. It's a -- it's a redundancy in our

11:04 1 inspection process so that guns going out to law  
2 enforcement get another set of eyes on them.

3 Q. So an additional quality inspection that  
4 the consumer pistols don't go through; is that  
11:04 5 right?

6 A. Correct.

7 Q. Does Mr. Jones communicate with law  
8 enforcement agencies or is that just more of a  
9 manufacturing process what he's doing?

11:04 10 A. He has communicated on an as-needed basis  
11 primarily because of his proximity to that  
12 northeast area.

13 Q. In what context would Mr. Jones be  
14 communicating with law enforcement agencies?

11:04 15 A. It may be a sales call, it may be -- for  
16 the most part, it's a sales call.

17 MR. WERTS: Let's go off the record for a  
18 second.

19 THE VIDEOGRAPHER: We're off the record.

11:05 20 The time is 11:05.

21 (There was a short break.)

22 THE VIDEOGRAPHER: We are on the record.

23 The time is 11:06.

24 BY MR. WERTS:

11:06 25 Q. So, we've talked about you, Mr. Mechling,

11:06 1 Dave Jones, Edd Jones, Katie who's last name I've  
2 already forgotten.

3 A. Olivia.

4 Q. Anyone else that reports directly to the  
11:06 5 EDP?

6 A. No.

7 Q. Where do Federal Law Enforcement Sales fit  
8 into the system?

9 A. They are their own entity.

11:06 10 Q. Okay. Who is in charge of that entity?

11 A. Steve Rose.

12 Q. What is Mr. Rose's position?

13 A. Vice President of Federal and Military  
14 Sales, I believe. That's their title.

11:07 15 Q. So Federal Law Enforcement Sales are  
16 through the same department or division of SIG  
17 Sauer that handles military sales?

18 A. Yes.

19 Q. A term I heard was "Global Defense." Is  
11:07 20 that the new name to it?

21 A. That may be the new name, yes.

22 Q. Did you speak with anyone in the Federal  
23 and Military Sales or Global Defense Department  
24 in preparation for today's deposition?

11:07 25 A. I did.

11:07 1 Q. Who did you speak with?

2 A. Scott Berube.

3 Q. Can you spell the last name on that?

4 A. B-e-r-u-b-e.

11:08 5 Q. What did you speak with Mr. Berube about?

6 A. An issue with a coating on, I believe,

7 trigger bars for the Department of Homeland

8 Security.

9 Q. So we mentioned Mr. Jankiewicz, Mr. Berube

11:08 10 and Mr. Mechling as people that you talked with

11 in preparation for today's deposition.

12 Anyone else?

13 A. None that come to mind right now.

14 Q. Tell me about that trigger bar issue that

11:08 15 you spoke to Mr. Berube about.

16 A. I just needed to understand or have some

17 knowledge of what the issue was -- and I'm

18 paraphrasing. He said it was an insignificant

19 number of trigger bars that had broken but it was

11:09 20 enough to draw attention by the agency. It was

21 directly related to a coating process which we no

22 longer use at SIG.

23 Q. Sorry. I don't -- you are saying

24 "coating," not "coding"?

11:10 25 A. Coating, c-o-a-t.

11:09 1 Q. That's what I was getting confused by. I  
2 thought it was some back-end thing.

3 A. Yes.

4 Q. And what was being coated?

11:09 5 A. The trigger bar.

6 Q. Was that being done on all P320s or just  
7 the DHS models?

8 A. Just for the specific models for DHS.

9 Q. Was that something that they had asked  
11:10 10 for?

11 A. Yes.

12 Q. Was that unique to the DHS pistols?

13 A. Yes.

14 Q. And you said that that was an issue that  
11:10 15 garnered some attention.

16 What do you mean by that?

17 A. It was a concern to the agency.

18 Q. How was that concern communicated to SIG  
19 Sauer?

11:10 20 A. I'm not sure.

21 Q. Did you look at any documents or emails  
22 related to that concern?

23 A. No.

24 Q. Did Mr. Berube indicate whether there were  
11:11 25 any such documents or emails related to that



11:11 1 concern?

2 A. He did not indicate.

3 Q. Did you ask?

4 A. I did not.

11:11 5 Q. And so some -- was it the trigger bar that  
6 broke or a spring that broke?

7 A. I believe it was the trigger bar.

8 Q. Was there something about the coating of  
9 the trigger bar that was causing it to break?

11:11 10 A. My recollection of the conversation was  
11 that it was a hardening issue with the coating  
12 but I'm not a hundred percent certain. It was a  
13 very brief overview of what had happened.

14 Q. As a result of the issue, did SIG Sauer  
11:12 15 have to take some action?

16 A. My assumption is yes.

17 Q. Do you know what that is?

18 A. I do not.

19 Q. Do you know if there were any  
11:12 20 communications about that action?

21 A. I do not.

22 Q. If I were to go through a bunch of  
23 questions about the other communications related  
24 to this trigger bar issue with the Department of  
11:12 25 Homeland Security, would you be able to answer

11:12 1 anything more than what you've already told me?

2 A. I cannot.

3 Q. Not something that you've been prepared to

4 do today?

11:12 5 A. No.

6 Q. How many total people work in the Law

7 Enforcement Agency department currently?

8 A. Somewhere around 25.

9 Q. So we've talked about the EVP, we've

11:13 10 talked about you as the senior director to Law

11 Enforcement Sales and Mr. Mechling as the

12 Director of Law Enforcement Sales.

13 Is there anyone else on that director

14 level? I guess we got the Canadian Sales guy.

11:13 15 A. Yes.

16 Q. Anybody else?

17 A. On the director level?

18 Q. Yes, sir.

19 A. No.

11:13 20 Q. And then we currently have eight folks on

21 the manager level; is that right?

22 A. Nation wide?

23 Q. Correct?

24 A. 18.

11:14 25 Q. So, you've got eight and Mr. Mechling has

11:14 1 ten?

2 A. I think we both have nine. I'm counting  
3 that one territory rep within my group.

4 Q. So there's really no real distinction in  
11:14 5 their job duties just other than they're full  
6 time or part-time?

7 A. Correct. There is one other director.

8 Q. Who is that?

9 A. Scott Reidy, R-e-i-d-y.

11:14 10 Q. What is he the director of?

11 A. He is the Director of Law Enforcement  
12 Training.

13 Q. How long has Mr. Reidy been in that  
14 position?

11:14 15 A. Probably three years.

16 Q. Was there a director of Law Enforcement  
17 Training prior to Mr. Reidy?

18 A. No.

19 Q. What does Mr. Reidy do other than just --  
11:15 20 I guess, what are his job duties?

21 A. 95 percent of his job is training law  
22 enforcement agencies around the country in pistol  
23 mounted optics.

24 Q. Again, I actually know what that is but  
11:15 25 for those who are reading this later, what do you

11:15 1 mean by a "pistol mounted optic"?

2 A. It's a red dot that affixes to the side of  
3 a pistol very much different than most law  
4 enforcement has ever used in the past. So, there  
11:15 5 is a two-day course that we offer for law  
6 enforcement agencies that are transitioning from  
7 a pistol without an optic to one with an optic.

8 Q. What is the other 5 percent of his job?

9 A. Probably training as it pertains to our  
11:16 10 group.

11 Q. Have you ever seen Mr. Reidy ever give any  
12 training related to the unintended discharge  
13 issues with the P320?

14 A. No.

11:16 15 Q. Has Law Enforcement Sales personnel ever  
16 received any training on how to communicate with  
17 people outside the company regarding the  
18 unintended discharge issue with the P320?

19 A. I'm not quite sure I understand what  
11:17 20 training. You have to help me out with the  
21 "training."

22 Q. Sure. Has anybody ever given any guidance  
23 on what to tell others?

24 A. So, we have had meetings and conversations  
11:17 25 about things that should remain the focus or the

11:17 1 scope of the focus of our conversations, yes.

2 Q. How many such conversations have you  
3 participated in?

4 A. I'm not certain.

11:17 5 Q. What is your best estimate?

6 A. Half a dozen or so.

7 Q. Have you ever had any conversations on  
8 focusing the discussion on unintended discharge  
9 related to any other SIG Sauer pistols?

11:18 10 A. No.

11 Q. When was the first time you had such a  
12 discussion regarding how to talk about unintended  
13 discharges with the SIG Sauer P320?

14 MR. GIBSON: I just want to place -- in  
11:18 15 regard to -- I don't know if you've had any  
16 conversations with legal about lawsuits or any  
17 issues related to that, those don't talk about.  
18 It's just these discussions we had and let them  
19 know.

11:18 20 THE WITNESS: Can you restate the  
21 question?

22 BY MR. WERTS:

23 Q. Sure. When was the first time you had one  
24 of these trainings or conversations about how to  
11:18 25 talk with others about the P320's unintended

11:18 1 discharge issues?

2 A. I'm not quite sure what year it was but it  
3 was shortly after this -- the onslaught of  
4 litigation that we felt it necessary to ensure  
11:19 5 that all of our folks were on the same page as to  
6 what was going on as well as the things that  
7 might help them better explain or educate our  
8 customers.

9 Q. And so was there any sort of PowerPoint  
11:19 10 presentation or written materials related to this  
11 meeting?

12 A. By and large, we have quarterly sales  
13 meetings. Most of them are Teams meetings. We  
14 have one standard -- one in-person meeting with  
11:19 15 the group every year. I think the only thing  
16 I've ever seen in a format that you could say  
17 you're reading would be things that were being  
18 posted on our website -- specifically the five  
19 steps necessary for the P320 to fire.

11:20 20 Q. Anything else?

21 A. Not that I recall.

22 Q. You said that there's been about a half a  
23 dozen of these meetings going back to when, as  
24 you said, the litigation started to present.

11:21 25 Has the messaging changed over that time

11:21 1 period?

2 A. I would say no.

3 Q. So each one of the meetings is just  
4 reiterating the exact same things over and over  
11:21 5 again?

6 A. So, most of these meetings are -- I don't  
7 want to say they were specific meetings  
8 designated just for this topic.

9 Q. Sure.

11:21 10 A. This is a sidelight to another meeting and  
11 as our -- as the litigation has changed, we have  
12 felt compelled to not change our narrative but to  
13 expand it to cover things that are now more in  
14 question than they ever were.

11:22 15 Q. Okay. And that's what I wanted to explore  
16 so that we understand how SIG Sauer's  
17 communicating with law enforcement agencies on  
18 this.

19 When you first had this discussion or  
11:22 20 training, I guess, what was the narrative that  
21 SIG Sauer Law Enforcement Sales folks were told  
22 to provide?

23 A. It wasn't necessarily that we provided  
24 them with a narrative. It was -- it was to  
11:22 25 provide them or to share information amongst the

11:22 1 group with the questions that are being raised.  
2 At the onset it was that this gun can magically  
3 go off on its own and that was the focus of the  
4 information that we discussed with the group.

11:22 5 Q. Okay. That's what I want to get into the  
6 meat of.

7 What was discussed? Like, what were you  
8 told to tell people about this gun?

9 A. We weren't told to tell anybody anything.  
11:23 10 It wasn't like, This is all you're going to say.

11 Q. Sure.

12 A. It was to address -- so, our role when we  
13 have these meetings with law enforcement is to  
14 educate as to how the gun operates and how things  
11:23 15 are possible or how things are not necessarily  
16 possible.

17 Q. And that's what I'm trying to understand  
18 and educate me.

19 A. So, basically it is a safety feature of  
11:23 20 the pistol.

21 Q. Okay. What are those?

22 MR. GIBSON: Just objection to that. It  
23 gets into the specific engineering that is also  
24 the scope of what they were discussing as well.

11:23 25 MR. WERTS: Let me be -- just to address



11:23 1 that objection because --

2 MR. GIBSON: Sure.

3 BY MR. WERTS:

4 Q. You're not the engineering guy. We've  
11:23 5 established that.

6 A. Right.

7 Q. But you are providing education to these  
8 law enforcement agencies and that's what I want  
9 to know.

11:23 10 What are you telling them?

11 A. So, I am present during these  
12 presentations --

13 Q. Okay.

14 A. -- so I very rarely do that presentation.

11:24 15 Q. Okay.

16 A. I will say this. I'm not an armorer in  
17 that pistol. I have a user knowledge of that  
18 pistol. However, it's basically that five step  
19 process.

11:24 20 The fact that there is a gun safety lever,  
21 the fact that the pistol does not have to have  
22 the trigger pressed to disassemble, the  
23 engagement of the trigger, the trigger bar, the  
24 safety lever, the sear and the striker safety and  
11:24 25 how the process of that takes place in order for

11:24 1 the firearm to discharge.

2 Q. Okay. And is that the way it's conveyed  
3 to the law enforcement agencies by your sales  
4 folks or do they say something different?

11:24 5 I guess I'm just -- I'm the prospective  
6 firearms law enforcement department which is the  
7 name of my firm.

8 A. Right.

9 Q. So I'm considering the P320 to outfit my  
11:25 10 security forces.

11 Hey, I've heard that the P320 has had some  
12 reports of unintended discharges. What can you  
13 tell me about that?

14 What are your sales people telling folks?

11:25 15 A. So, it is truly dependent on the  
16 questions. If the focus of the questions pertain  
17 to current litigation, we can't provide a whole  
18 lot of information due to the fact that there's  
19 current litigation. I'm going to call a 90-10  
11:25 20 rule. 90 percent of the people that we deal with  
21 on a day-to-day basis are the people at the  
22 ranges. 90 percent of them realize that this can  
23 or cannot happen.

24 So, unfortunately or fortunately, we get  
11:25 25 the opportunity to address the 10 percent that

11:25 1 see smoke and don't know how to see a way through  
2 it and by that I'm talking about administrators.  
3 That may be the boss, the chief, the captain, the  
4 inspector -- whatever it is -- that oversees the  
11:26 5 firearms function or the agencies purchasing that  
6 has reservations about doing something because of  
7 what they've heard, seen or read in some form.

8 Q. And that's what you referred to as "the  
9 smoke"?

11:26 10 A. That's what I'm referring as the smoke.

11 Q. How do your sales people help the law  
12 enforcement agencies see through the smoke?

13 That's what I'm trying to understand.

14 A. As best we can. So, all we can do is  
11:26 15 educate as to how that gun discharges and I'm  
16 back to that five step process which is something  
17 that is on our website. It is a very short video  
18 that explains what is required for the gun to  
19 fire.

11:27 20 Q. And is that what your sales folks do is  
21 say, Hey, go to our website and check out this  
22 video?

23 A. No. For the most part, we provide the  
24 link and often times we show the link. When it  
11:27 25 becomes a bigger question where Lou comes in and

11:27 1 I don't mean a bigger question in that it might  
2 be a -- it's not the main focus of the  
3 conversation. If it's the main focus, Lou comes  
4 in to do the presentation. If it's a  
11:27 5 conversation that comes up during a simple  
6 testing process or a conversation, we provide the  
7 link for people to look at and answer questions.

8 Q. And so what is the explanation that the  
9 Law Enforcement Sales folks are giving for why  
11:27 10 there are these videos online or these reports of  
11 lawsuits on some of the media outlets?

12 A. How do we explain the fact that there are  
13 these things online?

14 Q. Yeah.

11:28 15 A. For me, I liken it to Bigfoot. I mean,  
16 there's videos about sightings of him online as  
17 well. I don't necessarily believe everything I  
18 read or see online.

19 Q. Have you seen the video of the police  
11:28 20 officers in the lobby where the officer has his  
21 hands on the suspect's ankle and you can see his  
22 sidearm discharge?

23 MR. GIBSON: Objection to the form and  
24 scope.

11:28 25 THE WITNESS: I'm not sure.

11:28 1 BY MR. WERTS:

2 Q. Have you ever seen any videos online of a  
3 P320 going off?

4 A. I've seen snippets. I don't know that  
11:28 5 I've seen the entirety of any of them.

6 Q. Okay. So you've seen snippets that show a  
7 portion of an unintended discharge of a P320  
8 going off?

9 A. Yes.

11:28 10 Q. Did all of those videos involve law  
11 enforcement officers?

12 A. Yes.

13 Q. How many such videos have you seen?

14 A. Of just the SIG P320 or other pistols as  
11:29 15 well?

16 Q. Just the P320.

17 A. A few and I truly don't know.

18 Q. Half a dozen?

19 A. Okay.

11:29 20 Q. What is your answer? I'm sorry.

21 A. That would be fair.

22 Q. Okay. And so have any law enforcement  
23 agencies ever raised questions about any of these  
24 particular videos?

11:29 25 A. I'm not sure but none come to mind right

11:29 1 now.

2 Q. And what are your people told to say about  
3 them?

4 A. So, those questions typically come up in  
11:29 5 the presentation because the majority of our  
6 interactions at the regional manager level are  
7 with range staff and most of them are looking for  
8 information that they can provide to the  
9 administrators who may be the ones questioning  
11:30 10 the wisdom in walking in the smoke.

11 Q. And that's what I'm interested in. What  
12 information is being provided to these range  
13 guys?

14 A. In regards to these videos specifically?

11:30 15 Q. Yeah.

16 A. I don't know that it's that often that  
17 that happens at that level I guess is my point.  
18 A videotape is a single perspective of something.  
19 So, there are people that get very involved in  
11:30 20 these things and zoom in and do slow-mo functions  
21 to see if they can see anything but by in large  
22 when it comes to anything that is being  
23 litigated, we don't really say a whole lot about  
24 the incident.

11:31 25 Q. I'm setting aside litigation for the

11:31 1 moment. We're going to circle back to it but I'm  
2 still just -- is it the case that if someone  
3 raises a concern about one of these online videos  
4 that they immediately get the Lou Graziano  
11:31 5 presentation or are there times where other  
6 information is provided to them?

7 A. I would say by and large when it escalates  
8 to the point when they are -- most of the videos  
9 or information circulated online, they may or may  
11:31 10 not. I would say by and large they end up  
11 escalating up the food chain and typically those  
12 questions come from above and not from the range  
13 staff.

14 It is very rare that the range staff is  
11:31 15 doing anything other than looking for guidance in  
16 what they can provide to the administrative staff  
17 to remove the smoke and I hate to keep using that  
18 but that's kind of my perception of this thing.

19 Q. Sure. They want some way to get the  
11:32 20 administrators to quit asking questions. Right?

21 A. Right. Well, they want to proceed a  
22 direction and they see an obstacle and they're  
23 looking for something that we can provide to kind  
24 of push that obstacle to the side.

11:32 25 Q. And that's my interest. What are you

11:32 1 providing?

2 A. When it comes to -- by and large -- that  
3 type of thing, we don't comment on. If they have  
4 questions about what happens, we tell them to  
11:32 5 contact that specific agency and if we have a  
6 contact at that agency, we'll provide that.

7 I don't want to say that we disregard the  
8 videos but I think by and large in law  
9 enforcement, most law enforcements have seen a  
11:33 10 lot of videos about things that we were present  
11 at that don't really capture the events as they  
12 actually unfolded. So, those questions rarely  
13 come from a regional managers' meeting and I  
14 don't know if I'm answering direct.

11:33 15 Q. Well, one of the great things about a  
16 deposition, the only wrong answer is not true and  
17 I don't get the sense that you're trying to be  
18 dishonest with me.

19 A. Right.

11:33 20 Q. But I still don't think -- I'm just trying  
21 to get to the meat on the bone here --

22 A. Right.

23 Q. -- somebody brings it up. Like, what do  
24 you tell them? You say, Listen, there's a lot of  
11:33 25 videos out there; you can't trust the media.



11:33 1 Is that the messaging or --

2 A. I don't necessarily know it's that but we  
3 will oftentimes provide them with customers that  
4 have been in that platform in the P320 for  
11:34 5 extended periods of time that have never had an  
6 issue.

7 The other thing that I think we provide  
8 now that we've begun to focus more on and this, I  
9 guess, goes back to the meetings where some of  
11:34 10 the things that we've looked at has expanded.  
11 There are a lot of situations where the equipment  
12 surrounding the firearm is as important if not  
13 more important than the firearm.

14 Q. What do you mean by that?

11:34 15 A. By that I mean there's been a progression  
16 in law enforcement in times when there used to be  
17 just a firearm in a holster, now there's an  
18 optical on the holster, there's a light on the  
19 holster and as we add things that may be  
11:34 20 dimensionally outside the framework of the actual  
21 firearm, the holster actually expands in size.

22 So, there's a lot of effort put into the  
23 choice that an agency makes on the gun and  
24 typically it's been with miss-manufacturers'  
11:35 25 holster that will accommodate this and this

11:35 1 without putting everything together and take a  
2 good look at.

3 Q. And you kind of eluded to one of the  
4 things I want to talk about. We kind of talked  
11:35 5 about at the beginning of, as I understand,  
6 providing some reference to the five things that  
7 are required for the P320 to go off in the video  
8 online.

9 Correct?

11:35 10 A. Yes.

11 Q. And using that to reference, those are the  
12 things that are required for the gun to go off  
13 and if those things -- those five things are not  
14 present, the gun is never going to go off.

11:36 15 Is that the messaging?

16 A. For the most part, yes.

17 Q. Okay.

18 A. And I probably -- I don't know that Keith  
19 is going to like me saying this but I'm a  
11:36 20 believer in anything is possible. Right? Things  
21 happen that defy man's imagination.

22 But five things -- those things have to  
23 happen. In my thinking, if that trigger does not  
24 go to the rear, that gun is not going off.

11:36 25 Q. Is that something that is shared with law

11:36 1 enforcement agencies whenever they raise  
2 concerns?

3 A. Yes.

4 Q. And so you said that there's been some  
11:36 5 evolution in the way this Law Enforcement Sales  
6 department is trained to talk with law  
7 enforcement about these issues and that that is  
8 always kind of a hard exercise to go through  
9 these things. It's easy to remember how it  
11:36 10 started and how it ended.

11 A. Right.

12 Q. So, can you kind of walk me through how  
13 that has evolved to the best of your ability?

14 A. So the onset, the focus was -- the  
11:37 15 information was there was a small pool of  
16 information but as things happen, you got more  
17 intelligence, more information and we noticed  
18 that as far as dually related incidents there  
19 was -- there were a high level of percentage I'm  
11:37 20 going to say that involved two cell flashlights  
21 that is affixed to the frame of the gun which  
22 extends outside the actual framework of the gun.

23 So as that gets wider, the holster gets  
24 wider and there are a lot of warnings by holster  
11:38 25 manufacturers that the use of a light on a

11:38 1 handgun does expose the trigger more so than an  
2 unlighted handgun.

3 Q. Skipping ahead a little bit -- and we'll  
4 in a little while look at some documents -- when  
11:38 5 a consumer buys the SIG P320, they get a manual.

6 Is that your understanding?

7 A. That is my understanding.

8 Q. Do law enforcement agencies get the same  
9 manual?

11:38 10 A. I'm presuming it's the same manual. I've  
11 never looked at a consumer manual so I can't say.

12 Q. As you sit here, any reason to think that  
13 it's any different?

14 A. No.

11:38 15 Q. Other than the manual, how does SIG Sauer  
16 communicate warnings about or instructions about  
17 how to use its P320 to law enforcement users?

18 A. I don't think there is any.

19 Q. Me neither, but that is my question. Is  
11:39 20 there anything else that you guys have for cops  
21 that you've not seen it or heard of other than  
22 there's a manual, it evolves some overtime but  
23 there's always a manual.

24 Right?

11:39 25 A. Yes.

11:39 1 Q. And so one of the things I'm trying to get  
2 at is, are law enforcement given any additional  
3 warnings or instruction when they buy a P320 or  
4 are issued one that a consumer would get when  
11:39 5 they go to Bass Pro and pick up the P320?

6 A. I think it's standard for all our  
7 firearms.

8 MR. GIBSON: It's really an objection but  
9 you're prone to written warnings and  
11:40 10 instructions.

11 THE WITNESS: Yes.

12 MR. GIBSON: Is there any document that is  
13 given to LE? Obviously the sales guys, they talk  
14 to LE or you may not have that direct  
11:40 15 conversation.

16 BY MR. WERTS:

17 Q. Right. Exactly. That's what I'm getting  
18 at.

19 Is there any other written resources or  
11:40 20 anything of that nature that law enforcement gets  
21 that the consumers don't?

22 A. Not that I'm aware of, no.

23 Q. You indicated that when you have these  
24 various sales meetings that they are typically  
11:41 25 done by Teams I think you said; is that right?

11:41 1 A. So, they have become more Teams oriented.  
2 We have quarterly ones and years gone by there  
3 was one, maybe two a year. We try to do them  
4 quarterly.

11:41 5 Q. Because is the sales force geographically  
6 disbursed around the country?

7 A. Yes.

8 Q. And so just for the communications tools  
9 available to the sales -- Law Enforcement Sales,  
11:41 10 you have Teams for internal chats and video  
11 conferences; is that right?

12 A. Yes.

13 Q. Do you use Teams for video conferences  
14 with law enforcement agencies?

11:42 15 A. We have.

16 Q. Do you use the chat function for  
17 communications with law enforcement agencies?

18 A. We do not use chat.

19 Q. Just in general or --

11:42 20 A. The law enforcement team doesn't use chat.

21 Q. Do you guys use email?

22 A. Yes.

23 Q. Do you use Outlook for that?

24 A. Yes.

11:42 25 Q. Same Outlook system that you use

11:42 1 internally that you use externally with law  
2 enforcement?

3 A. Yes.

4 Q. I also heard of a computer program called  
11:42 5 "Magenta."

6 Are you familiar with that?

7 A. No.

8 Q. Are you familiar with a program called  
9 "Salesforce"?

11:42 10 A. Yes.

11 Q. What do you use Salesforce for?

12 A. Documenting interactions with our  
13 customers.

14 Q. Anything else?

11:42 15 A. No.

16 Q. And in the way that your team uses -- or  
17 by "your team," I mean Law Enforcement Sales uses  
18 Salesforce, is it just a documentation platform  
19 or the communications to law enforcement actually  
11:43 20 going through Salesforce and then it just happens  
21 to document as it goes along?

22 A. There are those that use that function.  
23 It's very few of us.

24 Q. Okay. And so everybody else just uses it  
11:43 25 as a note-taking platform?

11:43 1 A. Yes.

2 Q. And customer management, relations  
3 management?

4 A. Yes.

11:43 5 Q. Do you use any sort of like phone-based  
6 text messaging for communicating within your  
7 team?

8 A. Guys text. We don't necessarily use it  
9 for any business purpose or anything like that  
11:43 10 but I know guys that will text, Are you available  
11 for a call? or what not. So, there's personal  
12 text messages but as a means to communicate  
13 business, no, we don't use text although  
14 customers will text us as well.

11:43 15 Q. Okay. That was going to be my question.  
16 Are there ever times that customers are texting  
17 you or other members of the sales -- Law  
18 Enforcement Sales team as a mode of  
19 communication?

11:44 20 A. I would say it's used to further a  
21 conversation. There's no communications. It's,  
22 I can't get in touch with Rich; can you give me a  
23 call? or something like that.

24 Q. And then the SIG Sauer.com website has a  
11:44 25 portal where folks can send emails in that is



11:44 1 sometimes used by law enforcement, isn't it?

2 A. I would say it can be, yes.

3 Q. Are there any other communications tools  
4 that the Law Enforcement Sales team uses other  
11:44 5 than those we talked about here?

6 A. None that I can think of.

7 Q. When did SIG Sauer first receive a report  
8 of a law enforcement officer related unintended  
9 discharge?

11:45 10 A. Ever in the company history?

11 Q. Related to the P320.

12 A. I do not know.

13 Q. How many such reports has SIG Sauer  
14 received since the P320 was released?

11:45 15 A. I don't know an exact number.

16 Q. What is your best estimate?

17 A. That would be hard for me to guess. So,  
18 there's a reporting system that goes through  
19 myself and Tom Mechling. I don't track how many  
11:45 20 I get.

21 Q. Does anyone?

22 A. I'm sure somebody does.

23 Q. Do you know who that is?

24 A. I would -- my guess would be somebody in  
11:46 25 our legal department but I'm not certain.

11:46 1 MR. WERTS: Let's go off the record,  
2 please.

3 THE VIDEOGRAPHER: We're off the record.  
4 The time is 11:46.

12:37 5 (A lunch break was taken.)

6 THE VIDEOGRAPHER: We are on the record.  
7 The time is 12:38.

8 MR. WERTS: Back on the record after a  
9 short lunch break.

12:38 10 BY MR. WERTS:

11 Q. You understand you're still under oath?

12 A. Yes.

13 (WHEREUPON, a document was marked as  
14 Exhibit Number 2.)

12:38 15 BY MR. WERTS:

16 Q. Hand you what's been marked as Deposition  
17 Exhibit 2.

18 A. (The witness reviewed the document.)

19 Q. I was letting you read the document as  
12:38 20 closely as you wanted before I started peppering  
21 you questions on it.

22 A. If you're peppering me, I'll be a couple  
23 minutes.

24 Q. Okay.

12:39 25 A. (The witness reviewed the document.)

12:39 1 Okay.

2 Q. So looking at Exhibit 2, can you see the  
3 first half that this is a big chunk that was  
4 redacted -- the big, black square at the top?

12:41 5 A. Okay.

6 MR. WERTS: All right. And this is just  
7 something -- Keith, this one's not on the  
8 privilege log, so I'm assuming that is a  
9 privilege redaction but it doesn't say.

12:41 10 MR. GIBSON: I'm sure it is.

11 MR. WERTS: We'll talk about that later.

12 BY MR. WERTS:

13 Q. We've identified some of the people in  
14 this email. There's a new name, Valerie Hunt.

12:42 15 Do you see that?

16 A. Yes.

17 Q. Who is that person?

18 A. Valerie was the inside support person for  
19 the region.

12:42 20 Q. So, I guess where do the inside support  
21 people fit within kind of our diagram we talked  
22 about earlier?

23 A. Okay. So until about -- it's been two or  
24 three years now and I hate to keep using two to  
12:42 25 three years because that is it a range that I

12:42 1 remember this at.

2 In addition to regional managers, we had  
3 inside support people. So, they would handle  
4 phone calls, handle order entry, questions about  
12:42 5 orders, return merchandise authorization and made  
6 labels.

7 If a regional manager needed something in  
8 the field, he would contact the inside support.  
9 So, she was kind of like the dispatcher for each  
12:43 10 of these regional managers. Several years ago --  
11 and I want to say three -- inside support fell  
12 under sales operations, so they no longer report  
13 through the chain of command. It's a separate  
14 chain of command.

12:43 15 So at the time that Valerie was with us,  
16 it was -- they still fell under the law  
17 enforcement umbrella.

18 Q. And so now those support folks, are they  
19 in the customer service chain that is Chris Meyer  
12:43 20 in that group?

21 A. I don't know. They fall under sales  
22 operations which is headed by -- so, we just had  
23 a replacement. So there's a sales operations  
24 manager Matthew Morrilli, M-o-r-r-i-l-l-i  
12:43 25 (phonetic), I believe is the manager of that

12:43 1 group --

2 Q. Okay.

3 A. -- who is also new.

4 Q. Who had that before Mr. Meyer?

12:44 5 A. Tim Connelly.

6 Q. So, we'll kind of go through this  
7 backwards maybe at first but in this first page  
8 it mentions something you did which is an RMA.

9 What is that?

12:44 10 A. It's a Return Merchandise Authorization.  
11 So, anything that comes back to the factory has  
12 to have a label which we send out to the police  
13 department or a number on it so we know what it  
14 is when it comes back.

12:44 15 Q. So, it's for internal tracking?

16 A. Yes.

17 Q. Got it. It says, For the RMA, the 320  
18 discharged in the holster due to an engagement by  
19 a seat buckle.

12:44 20 Do you see that?

21 A. Yes.

22 Q. And that's Tom Mechling speaking -- if I'm  
23 reading this email correctly; is that right?

24 A. Yes.

12:44 25 Q. He's making that statement before SIG

12:44 1 Sauer received this gun back?

2 A. That's my assumption, yes.

3 Q. Okay. When it says, "For the RMA," why  
4 does the RMA need a reason for, like, filling it  
12:45 5 out? What is that for?

6 MR. GIBSON: Objection to scope. You can  
7 answer if you know.

8 THE WITNESS: I'm not sure I understand  
9 the question.

12:45 10 BY MR. WERTS:

11 Q. Well, it says, "For RMA" and then  
12 proposition. If the RMA is just a tracking  
13 number, what is the proposition from?

14 A. So, typically it comes back with an  
12:45 15 explanation, front sight fell off, rear sight.  
16 Some kind of notation so that when it goes back  
17 to the gunsmith or the custom shop where's it's  
18 slated to go, they have an idea why the gun is  
19 coming back.

12:45 20 Q. Got it. So, this is -- turn the page.  
21 There's an email to Mr. Mechling from his  
22 assistant, Police Chief Charles Kulp.

23 Do you see his name at the top of the  
24 third page?

12:46 25 A. Yes.

12:46 1 Q. Was this the first report of an unintended  
2 discharge from a law enforcement officer on the  
3 P320 in 2019?

4 MR. GIBSON: Object to form. Are you  
12:46 5 asking if this is the first one in 2019 or the  
6 first one ever?

7 MR. WERTS: First one ever.

8 THE WITNESS: I don't know.

9 BY MR. WERTS:

12:46 10 Q. If you turn the page to Page 3, there's  
11 this email exchange between Mr. Mechling and  
12 Mr. Kulp about a disconnecter on a caliber X  
13 change kit.

14 Do you see that?

12:47 15 A. Yes.

16 Q. Okay. And I'm asking you because you're  
17 the designated guy to talk about communications  
18 with law enforcement and this is an email from a  
19 police officer. I read that as talking about two  
12:47 20 different guns between the email at 12:34 on the  
21 13th of January and the email at 11:53 on the  
22 13th of January. The email is on Page 2 of 3 but  
23 I'm trying to figure out whether you agree with  
24 that or not.

12:47 25 A. (The witness reviewed the document.) I'm

12:48 1 not sure.

2 Q. Because if you turn to the bottom of  
3 Page 3, top of Page 4 is the initial email on  
4 January 10 where it says Chief Kulp is reporting  
12:48 5 this issue with slide up.

6 Do you see that?

7 A. Yes.

8 Q. So as I'm reading this, I'm reading this  
9 as being kind of two different things that are  
12:48 10 going on at the same time but if you read it out,  
11 I'll give you a chance to tell me that I'm  
12 reading it wrong.

13 A. So you could take -- so when we say the  
14 same gun, are we talking about the same serial  
12:48 15 number? Because it could be a full size gun as  
16 it left the factory and somebody bought an X  
17 change kit so that when they go off duty or their  
18 position changes within the police department,  
19 they can put a compact slide to make a shorter  
12:49 20 profile firearm. So, it may very well be the  
21 same serial number with a full size slide or a  
22 compact slide and I don't know if that's the case  
23 here.

24 Q. We either have to talk to Mr. Mechling or  
12:49 25 Chief Kulp to figure that out.



12:49 1 Is that fair?

2 A. Yes.

3 Q. Okay. And then if you'll turn with me at  
4 the bottom there, the pages are numbered. They  
12:49 5 are Bates 2061.

6 A. Okay.

7 Q. The first thing it says, "Check trigger  
8 Pull 5 1/4 pounds -- Does not Meet Factory  
9 criteria."

12:50 10 Do you see that?

11 A. I do see that.

12 Q. What are Law Enforcement Sales folks told  
13 to tell law enforcement agencies what the trigger  
14 pull is on a SIG Sauer P320?

12:50 15 A. It's in the vicinity of 6 pounds.

16 Q. When you say "in the vicinity of 6  
17 pounds," you mean like a range, plus or minus  
18 or --

19 A. I don't know that we provide a plus or  
12:50 20 minus but it's 6 pounds. So, the only thing I  
21 liken this to and I hate to go back to NYPD.

22 NYPD has a special trigger requirement  
23 that it has to be a minimum of whatever it is --  
24 I think it's either 10 or 12 pounds. They have a  
12:51 25 plus or minus. So, we may build them a gun that

12:51 1 conforms to their requirement as the gun is shot  
2 and the springs wear, that weight requirement --  
3 that weight may go down. So, typically our P320s  
4 are right around 6 pounds.

12:51 5 Q. And that's always what it's been when you  
6 get some in from law enforcement.

7 It hasn't changed that, has it?

8 A. That's my recollection, yes.

9 Q. You can set that one aside for a second.

12:51 10 (WHEREUPON, a document was marked as  
11 Exhibit 3 and the witness reviewed the document.)

12 BY MR. WERTS:

13 Q. So, I hand you now what's been marked as  
14 Deposition Exhibit 3 and the --

12:53 15 MR. WERTS: Keith, is this another one you  
16 guys actually clawed back that also isn't in the  
17 privilege log?

18 MR. GIBSON: No. That should be included.

19 MR. WERTS: That's for later.

12:53 20 BY MR. WERTS:

21 Q. There's a few names on here I just want to  
22 make sure that we talked about.

23 Bill Larson is a new name to me. Who is  
24 that?

12:53 25 A. No idea.

12:53 1 Q. Samantha --

2 MR. GIBSON: I can tell you who that is if  
3 it would help. Bill Larson was the customer  
4 service manager for Chris Meyer. I think he left  
12:53 5 their employ.

6 MR. WERTS: Thank you.

7 BY MR. WERTS:

8 Q. Another name is a Samantha Piatt. Do you  
9 recognize that name?

12:54 10 A. Yes.

11 Q. Who is that?

12 A. I don't know what her current title is but  
13 she works in our marketing department.

14 Q. And has she been in the marketing  
12:54 15 department going back to 2019 at the time of this  
16 email?

17 A. That's my assumption, yes. I think that's  
18 how she came over -- or came to our company, yes.

19 Q. And then another name is Tom Taylor. Who  
12:54 20 is that?

21 A. Tom is -- was the Vice President of  
22 Commercial Marketing. I'm not sure. Titles  
23 change. I know he's still involved in that  
24 world. I'm just not quite sure what his current  
12:54 25 title is.

12:54 1 Q. Marketing guy at the top of the line?

2 A. Yes.

3 Q. All right. Sometimes the practical  
4 description is more useful than what the business  
12:54 5 card says.

6 A. There you.

7 Q. Jack Barnes?

8 A. He is the Vice President of Commercial  
9 Sales.

12:55 10 Q. Scott Therrien.

11 A. I believe he's the head of the commercial  
12 inside sales team for sales support.

13 Q. Turn to Page 2 to for me on this. We've  
14 got an email from Mr. Jankiewicz indicating that  
12:55 15 any inquiries about ND.

16 What does that acronym stand for in that  
17 context?

18 A. Sorry. Say that again.

19 Q. What does the acronym ND stand for in that  
12:56 20 context?

21 A. Negligent discharge.

22 Q. With an indication that such inquiry  
23 should go directly to him and either he or you or  
24 Mr. Mechling will follow-up?

12:56 25 A. Yes.

12:56 1 Q. How long has that been the procedure for  
2 responding to law enforcement unintended  
3 discharge reports?

4 A. Since day one.

12:56 5 Q. That hasn't changed. Right?

6 A. No.

7 Q. And when was "day one"?

8 A. I don't know.

9 Q. But whenever it was, that's always what  
12:56 10 you've guys have done?

11 A. Yes.

12 Q. If you will, turn to Page 3 for me. The  
13 bottom email, it's from a David Gingras.

14 Do you see that?

12:57 15 A. I do.

16 Q. Who is David Gingras?

17 A. I have no idea.

18 Q. And Mr. Gingras makes reference to a  
19 standardized response to a negligent discharge  
12:57 20 report.

21 Do you see that?

22 A. Yes.

23 Q. How long has SIG Sauer had a standardized  
24 response for negligent discharge reports?

12:57 25 MR. GIBSON: Objection; scope.

12:57 1 THE WITNESS: I don't know. I don't know  
2 that this wasn't scripted for this specific Pasco  
3 County discharge, so I don't know whether there  
4 was a previous one.

12:58 5 BY MR. WERTS:

6 Q. Are you aware of any scripted standard  
7 responses for responding to inquiries from law  
8 enforcement agencies about negligent discharge?

9 A. In regards to like an email communication?

12:58 10 Q. Any communication.

11 A. I know that there have been for email  
12 communication, yes.

13 Q. How about scripts for conversation for  
14 telephone communications?

12:58 15 A. None that I'm aware of -- that's within  
16 the law enforcement community.

17 Q. Okay. And that's what I'm going to limit  
18 it to -- law enforcement communication.

19 A. Right.

12:58 20 Q. So, how many such scripted email  
21 communications were responded to unintended  
22 discharge reports that we've seen?

23 A. I'm going to say a handful and I don't  
24 know what that means. I know obviously this is  
12:59 25 one scripted or prepared specifically for the

12:59 1 incident in Pasco County. I know there have been  
2 others. I just don't know how many.

3 Q. When you would receive these sort of  
4 scripted communications, where would you get them  
12:59 5 from?

6 A. Through marketing.

7 Q. Was there any sort of guidance or  
8 instruction given on when to use those scripted  
9 email communications regarding reports of  
12:59 10 unintended discharges from law enforcement  
11 agencies?

12 A. Guidance in what respect?

13 Q. A cover email that says, Hey, if you hear  
14 about the XYZ discharge, here is what we say --  
12:59 15 as a hypothetical example -- if anything?

16 A. So, I would say generically if you receive  
17 an inquiry in regards to an unintended discharge  
18 in Pasco County, this is if an agency is looking  
19 for an email response, this is what is authorized  
01:00 20 to respond with.

21 Q. You said those typically come from  
22 marketing?

23 A. Yes.

24 Q. Is there a person in marketing that those  
01:00 25 typically come from?

01:00 1 A. My recollection is the ones I saw came  
2 from Sam Piatt, P-i-a-t-t.

3 Q. And I don't want to use the wrong word or  
4 put words in your mouth, what was your -- how  
01:00 5 many such scripted emails do you recall seeing  
6 coming from Sam Piatt?

7 A. I want to say there's a half a dozen or  
8 so.

9 Q. Have you ever seen them come from anyone  
01:01 10 other than Ms. Piatt?

11 A. No. They may have come through Tom via  
12 Sam but ultimately through Sam.

13 Q. And there's multiple Toms. Are you  
14 referring to Tom Taylor?

01:01 15 A. Tom Jankiewicz.

16 Q. Tom Jankiewicz.

17 A. Yes.

18 Q. I see. So, the email to you may have been  
19 from Mr. Jankiewicz but he got the language from  
01:01 20 Miss Piatt?

21 A. It was a forward, yes.

22 Q. You indicated that the guidance would be  
23 something along the lines of this is the approved  
24 language.

01:02 25 Do you have a sense of who approved the



01:02 1 language?

2 A. I'm assuming it came through our marketing  
3 legal department.

4 Q. But do you know one way or the other?

01:02 5 A. No.

6 Q. Do you have access to any of those  
7 standardized responses?

8 A. I'm going to say yes.

9 Q. How?

01:02 10 A. I would have to go back and research  
11 through my emails.

12 Q. Any way other than searching your emails?

13 A. No.

14 Q. Have you ever been asked to search your  
01:02 15 emails for those standardized responses?

16 A. No.

17 Q. Then in the bottom paragraph of the  
18 standardized response on Page 3, there's a  
19 distinction being made that, It is our

01:03 20 understanding this was a negligent discharge  
21 rather than an accidental discharge.

22 Do you see that?

23 A. Yes.

24 Q. Other than these half dozen standardized  
01:03 25 responses, have you ever received any guidance on

01:03 1 which term to use whether to call it a negligent  
2 discharge or an accidental discharge?

3 A. No.

4 Q. Have you ever seen other communications  
01:03 5 from marketing or others drawing this distinction  
6 between negligent discharge as an accidental  
7 discharge?

8 A. I don't recall.

9 Q. Are Law Enforcement Sales folks trained to  
01:04 10 use one term versus another?

11 A. No.

12 Q. Are Law Enforcement Sales folks trained as  
13 to the distinction of the definition between  
14 those two terms like we talked about at the  
01:04 15 beginning?

16 A. No.

17 Q. Beyond formal training, are Law  
18 Enforcement Sales folks given any informal  
19 guidance on using one term versus another?

01:04 20 A. No.

21 Q. Set this one aside.

22 (WHEREUPON, a document was marked as  
23 Exhibit 4 and the witness reviewed the document.)

24 BY MR. WERTS:

01:06 25 Q. All right. I hand you now what's been

01:06 1 marked Deposition Exhibit 4. We are going to get  
2 into the content of the detail of this particular  
3 report but I'm going to talk about the form  
4 itself.

01:06 5 Are you familiar with the format of this  
6 form?

7 A. Yes.

8 Q. What are we looking at here?

9 A. That is the unintentional discharge  
01:06 10 report.

11 Q. And how long has this form been used?

12 A. This exact form?

13 Q. Sure.

14 A. Since the number of discharges gain more  
01:06 15 and more attention, we felt the need to come up  
16 with a report so we could track what is going on.

17 Q. Okay. And so is this form used only for  
18 the P320 or for all firearms?

19 A. All firearms.

01:06 20 Q. And you say that when -- the record will  
21 reflect what you said exactly as to the timing.

22 What is your estimate of what year that  
23 was that this more attention was needed and more  
24 attention was called for tracking it?

01:07 25 A. I would say within the last -- I would say

01:07 1 it was post our LEVUP program. So, 2017/2018  
2 time frame I'm guessing.

3 Q. Post what program?

4 A. LEVUP. Law enforcement -- it was Law  
01:07 5 Enforcement Voluntary Upgrade report.

6 Q. And do you keep like a binder or anything  
7 of these reports?

8 A. I do not.

9 Q. You're one of the supervisors that gets a  
01:08 10 report --

11 A. Yes.

12 Q. -- that gets notified of these?

13 A. Yes.

14 Q. What do you do?

01:08 15 A. Typically it's forwarded.

16 Q. To whom?

17 A. Our legal team, Tom Jankiewicz is copied.

18 Q. Is one of these forms filled out any time  
19 SIG Sauer receives a report of an unintended  
01:08 20 discharge from law enforcement?

21 A. Yes.

22 Q. Does it matter whether a person was  
23 injured or not?

24 A. No.

01:08 25 Q. Does it matter whether it was on the range

01:08 1 versus in a car or in the office?

2 A. No.

3 Q. Does it matter whether it is a kind of an  
4 informal report of someone called in to to report  
01:09 5 the unintended discharge versus maybe it coming  
6 up in casual conversation?

7 A. I'm not quite sure I understand.

8 Q. Sure. You're on a sales call doing one of  
9 your quarterly meets with one of the range guys,  
01:09 10 as you described them, and they aren't reporting  
11 that somebody got hurt. They just say casually,  
12 like, Hey, Bill had his go off at the range two  
13 weeks ago.

14 Do you fill something like this out?

01:09 15 A. Depends on what it "just went off at the  
16 range a couple weeks ago" means.

17 Q. That he's in the process of addressing his  
18 firearm and he puts two rounds in the dirt before  
19 he gets the gun all the way up to his face or to  
01:09 20 head level.

21 A. If it's determined by the range staff that  
22 it was a negligent or an -- so, there are  
23 instances where if we have a report by a police  
24 agency that a gun went off and they have not  
01:10 25 established that it was a user error -- in other

01:10 1 words, they are at the range and somebody is  
2 clearing their gun and a round will go off and  
3 they see it and they understand what happened,  
4 it's not necessarily filled out, no.

01:10 5 Q. Okay. And so to give a more specific  
6 example, the P320 has a lighter trigger pull than  
7 some of the new weapons that replaces with  
8 certain agencies.

9 Is that true?

01:10 10 A. With some I would say yes.

11 Q. Have you ever heard of incidents of law  
12 enforcement officers as they're training with the  
13 P320 someone is putting their finger on the  
14 trigger too soon as they are in the process of  
01:10 15 addressing the weapon?

16 A. Yes.

17 Q. And in those instances -- have you heard  
18 of instances where law enforcement officers have  
19 had discharges sooner than what they intended to  
01:11 20 have happen?

21 A. I can see where that happens so, yes. I  
22 mean, I don't know that I recall any being  
23 reported.

24 Q. That is my question is if you ever heard  
01:11 25 reports of that.

01:11 1 A. No.

2 Q. In that specific example, would you expect  
3 one of these forms to be filled out?

4 A. If the agency has dismissed the incident  
01:11 5 as a training incident and does not need anything  
6 from SIG, then I would not insist that this be  
7 filled out. However -- I mean, do you understand  
8 the distinction I'm making there?

9 Q. I think so. Maybe my question is I want  
01:11 10 to be fair about it.

11 I just want to know if there's a  
12 distinction. I don't want to put words in your  
13 mouth.

14 A. I'm going to go back in my history. When  
01:12 15 we transition from a revolver to a semi-automatic  
16 pistol, we have discharges at the range. They  
17 were failures on the part of the operator, not of  
18 the equipment. I wouldn't have considered them  
19 something worthy of this report.

01:12 20 Q. Okay.

21 A. So if a police agency has a discharge on  
22 the range by somebody that it was not supposed to  
23 happen when it did but it was established that  
24 guy had his finger on the trigger, he pulled the  
01:12 25 trigger too early, I don't even know why it would

01:12 1 be mentioned that I guess is my question.

2 Q. Let's use your example.

3 A. Okay.

4 Q. You were -- earlier in your law  
01:12 5 enforcement career, I'm assuming you used some  
6 sort of a double single-action revolver as a  
7 sidearm?

8 A. Yes.

9 Q. And those typically have a higher initial  
01:13 10 trigger pull for the double-action side of  
11 the gun?

12 A. Yes.

13 Q. And as I understand the example you're  
14 giving is that in those early transitionary days,  
01:13 15 you can put your finger on the trigger a little  
16 sooner because the old revolver had to have a  
17 pull. Right?

18 A. Yes.

19 Q. And as you transitioned to the lighter,  
01:13 20 more modern pistol, it doesn't have that same  
21 forgiveness -- for lack of a better term.

22 Is that fair?

23 A. That's fair.

24 Q. What does SIG Sauer tell law enforcement  
01:13 25 agencies about that dynamic?



01:13 1 Do you offer any training or instruction  
2 or warning or guidance that this trigger on the  
3 P320 is different than the prior pistol might  
4 have been?

01:13 5 A. I mean, we have training courses.  
6 Certainly most police agencies go through the  
7 transition training to address the differences in  
8 the firearm, the nomenclature. A lot of them  
9 when you go from one gun to another, there's a  
01:14 10 different holster so it draws strokes different.  
11 There's a lot that goes into the transition.

12 Q. Right.

13 A. Do we offer courses through our academy?  
14 Yes, we have transition training courses that  
01:14 15 will help an agency through a transition.

16 Q. That's the nuance I want to talk about is  
17 within those trainings and those communications  
18 when you have an agency that is transitioning,  
19 does SIG Sauer do anything to tell the agency  
01:14 20 that, Hey, the pistol you've chosen has a lighter  
21 trigger pull; you need to tell your officers to  
22 be careful about this -- as an example?

23 Do you have anything in that vain?

24 A. I don't know. I don't know whether it's  
01:15 25 necessarily lighter. It's different. Right? So

01:15 1 we can address differences. I don't know if I'm  
2 answering your question or not.

3 Q. Well, let's just use a specific example  
4 then to make this easier.

01:15 5 In your time as the Senior Director of Law  
6 Enforcement Sales, have you ever transitioned a  
7 department from a Beretta M9 to the SIG Sauer  
8 P320?

9 A. I don't know.

01:15 10 Q. Can you think of any gun other than a  
11 Glock that you guys have transitioned one  
12 department from to a P320?

13 A. I'm sure, yes. The M&P -- the Smith and  
14 Wesson M&P.

01:15 15 Q. The M&P has a heavier trigger pull than  
16 the P320. Correct?

17 A. I don't know that.

18 Q. Is there anything that was told to the law  
19 enforcement agency making the transition from the  
01:16 20 M&P to the P320 on differences on how you need to  
21 handle the gun because of a trigger on the 320?

22 A. No.

23 Q. Okay. Whether it's the M&P or any other  
24 gun, does SIG Sauer offer any warnings or  
01:16 25 statements or communications about how to handle

01:16 1 the P320's trigger versus some other gun they may  
2 have handled in the past?

3 A. I'm not --

4 Q. Let's not get hung up on the words.

01:16 5 Communications, statements.

6 Did you say anything about it?

7 A. No, there's no particular scripted, make  
8 sure you tell them this or that but I would say  
9 that 99.9 percent of law enforcement agencies  
01:16 10 transition from one firearm to another through a  
11 testing and evaluation process. So, they've  
12 tested it, I'm assuming they realize the  
13 differences. We do armorer classes for them. We  
14 offer armorer classes which goes through the  
01:17 15 features and the safeties and we can obviously  
16 draw a comparison to what they're coming from.  
17 But as far as a particular warning that you're  
18 going from something that had a 6 and a half  
19 pounds to something that has 6, no.

01:17 20 Q. Okay. Or something that has a 9 pound  
21 pull on a 6 pound gun?

22 A. No.

23 Q. Set that one aside.

24 (WHEREUPON, a document was marked as  
01:18 25 Exhibit 5.)

01:18 1 MR. WERTS: On this one I only have two  
2 copies.

3 MR. GIBSON: Okay.

4 (The witness reviewed the document.)

01:18 5 BY MR. WERTS:

6 Q. I've handed you now what's been marked as  
7 Deposition Exhibit 5. Similar to last time,  
8 really not as interested in the content of the  
9 form so much as the form itself.

01:19 10 Are you familiar with this one?

11 A. Yes.

12 Q. What are we looking at here?

13 A. Basically the information that the  
14 regional manager should obtain as well as the  
01:19 15 tracking of how the report should travel once  
16 they get the information.

17 Q. And is this the same thing as what we  
18 looked at in the prior exhibit or is this a  
19 different form?

01:19 20 A. I would have to look at it again. I think  
21 it's very, very similar. I mean, it's extremely  
22 similar. I could go line-by-line if you would  
23 like me to.

24 Q. Not necessarily. I guess my question is  
01:20 25 I'm just trying to figure out if there's been an

01:20 1 evolution in the form and now you use the  
2 Exhibit 5 version versus the Exhibit 4 version or  
3 if there are times when one is used versus the  
4 other.

01:20 5 A. No, and I just think this is a different  
6 copy of a very similar thing other than this form  
7 does not appear to have photos, if there is any  
8 photos. I mean, by and large it's the same form.

9 Q. And so as you indicated earlier that you  
01:21 10 had been using Exhibit 4 or some version of that  
11 since day one and that's continued up through the  
12 current time.

13 Correct?

14 A. Yes.

01:21 15 Q. And Exhibit 5 is not some other form that  
16 is used in some other set of circumstances --

17 A. No.

18 Q. -- it's just one that got produced that  
19 has a bunch of additional instructions on it.

01:21 20 Is that fair?

21 A. Yes, I'll say that's fair.

22 Q. And looking at these instructions, I'm  
23 going to ask you kind of a broad question as I  
24 think it will be faster.

01:21 25 Do Paragraphs 2 through 10 of our

01:21 1 Exhibit 5 correctly describe the process that is  
2 supposed to be followed after a report of an  
3 unintended discharge comes in from a law  
4 enforcement agency?

01:21 5 A. (The witness reviewed the document.) Yes.

6 Q. And how long has that been the correct  
7 process?

8 A. With rare exception, I mean, it's pretty  
9 much been the same. There may be -- there may  
01:22 10 have been some slight tweaks, you know. I know  
11 Tim Lachance (phonetic) and Steve Shawver are no  
12 longer here, so there's some differences but I  
13 would say generally speaking this has been it.

14 Q. And this talks about emails being titled  
01:22 15 of accidental discharge and then hyphen, the  
16 person's name.

17 Is that the format you've seen those  
18 emails come in?

19 A. Yes.

01:22 20 Q. And when it says "title," does that refer  
21 to the subject line?

22 A. Yes.

23 Q. Thank you. You can set that one aside.

24 MR. GIBSON: Take a break?

01:23 25 MR. WERTS: Of course.

01:23 1 THE VIDEOGRAPHER: We're off the record.  
2 The time is 1:23.  
3 (There was a short break.)  
4 THE VIDEOGRAPHER: We are on the record.  
01:32 5 The time is 1:32.  
6 BY MR. WERTS:  
7 Q. I know we talked a little bit about the  
8 number of reports SIG Sauer receives from law  
9 enforcement agencies and I know you don't have an  
01:32 10 answer for that.  
11 What does SIG Sauer tell law enforcement  
12 agencies if they ask about how many reports of  
13 unintended discharges P320s have?  
14 A. I don't recall anybody ever asking that.  
01:32 15 Q. Okay. Nobody has said, Hey, I heard about  
16 this; how many injuries have there been?  
17 Nobody has ever asked for those sort of  
18 metrics?  
19 A. It's typically a specific incident that  
01:32 20 they speak of or maybe one or two but it's never  
21 been a "how many."  
22 Q. We talked a little bit about the SIG Sauer  
23 Academy and some of the trainings that are  
24 offered to law enforcement agencies that adopt  
01:33 25 the P320.

01:33 1 Is that offered to any agency or do you  
2 have to buy a certain number of pistols to get  
3 the training package?

4 A. Anybody can host or attend any of our  
01:33 5 trainings. So, there's not a specific number.

6 Q. And are those trainings law enforcement  
7 only or are consumers allowed to participate in  
8 these trainings as well?

9 MR. GIBSON: Object to the form. Which  
01:33 10 trainings?

11 THE WITNESS: Yeah, I don't --

12 BY MR. WERTS:

13 Q. I guess let me ask it this way. Are there  
14 any trainings that are law enforcement only that  
01:34 15 SIG Sauer offers?

16 A. I don't know what is offered exclusively  
17 by the academy. I know that typically when we do  
18 a training course, we are involved in a training  
19 course with an agency, it is law enforcement only  
01:34 20 but I don't want to pretend to say that there  
21 aren't courses offered at SIG that have civilian  
22 and law enforcement or military in that class. I  
23 just don't.

24 Q. For the law enforcement trainings that you  
01:34 25 participated in, are any parts of that training



01:35 1 related to trigger safety or trigger discipline?

2 A. The majority of the trainings of recent  
3 times have been the pistol mounted optics class  
4 and basic firearm safety is absolutely touched

01:35 5 on. I don't know that I would call it a focus of  
6 the training.

7 Q. So that was going to be my question. Is  
8 there anything different about the firearm safety  
9 for a P320 versus what would be in the training  
01:35 10 for a 226 or any other gun?

11 A. As far as the safety aspect?

12 Q. Correct.

13 A. No.

14 Q. Any other differences in -- scratch that.

01:36 15 In addition to the trainings that SIG Sauer has  
16 kind of conducted itself, has it ever consulted  
17 on trainings that the law enforcement agencies  
18 are going to provide themselves on the P320?

19 MR. GIBSON: Object to form.

01:36 20 THE WITNESS: I'm not sure I understand  
21 that.

22 BY MR. WERTS:

23 Q. Sure. That probably was not a good  
24 question.

01:36 25 What I'm trying get at is, has there ever

01:36 1 been a situation where a law enforcement agency  
2 has come to the Law Enforcement Sales division  
3 and say, Hey, we're putting together a training  
4 on the P320; can you help us out or can you  
01:36 5 provide some information?

6 A. Those requests are typically referred  
7 either to Scott Reidy or the training academy.  
8 So, I don't -- I'm sure that they may incorporate  
9 some of the training that we do specifically when  
01:37 10 it comes to armor classes for teaching  
11 nomenclature but anything else would be channeled  
12 either through Scott Reidy or through the  
13 academy.

14 Q. That's a perfectly fine answer.

01:37 15 A. Right.

16 Q. I'm just trying to understand if there's  
17 anything your Law Enforcement Sales staff has  
18 been taught to tell those folks if they ask about  
19 training.

01:37 20 Is it just "talk to Scott Reidy"? Is  
21 there anything else?

22 A. No. That's a referral. We encourage it.  
23 I mean, obviously we're selling you firearms but  
24 we absolutely promote our academy for agencies  
01:37 25 that need help.

01:38 1 Q. We talked about some of the standardized  
2 responses to particular incidents that you've got  
3 in the marketing department in the past.

4 Do you recall that?

01:38 5 A. Yes.

6 Q. Has there ever been a time where the Law  
7 Enforcement Sales department has been proactive  
8 in sending out a communication to law enforcement  
9 agencies in response to any particular unintended  
01:38 10 discharge or abort or other event?

11 MR. GIBSON: Can you remind -- I'm sorry.  
12 Can you read that?

13 (The last question was read by the  
14 reporter.)

01:39 15 A. I'm not quite sure what you mean by  
16 "proactive."

17 Q. Well, let me ask you this. Are you  
18 talking about that you received these  
19 standardized responses from the marketing  
01:39 20 department. Right?

21 A. Yes.

22 Q. And within the word "response," I guess  
23 I'm intuiting -- and maybe that is unfair -- that  
24 if it's a response that the law enforcement  
01:39 25 agency needs to ask about it in order to trigger

01:39 1 that response.

2 Is that true?

3 A. Yes, that's true.

4 Q. My question is kind of the opposite. Has  
01:39 5 there been a time where SIG Sauer has taken upon  
6 itself to talk first about some unintended  
7 discharge report or event?

8 A. Not that I can recall.

9 Q. There's never been some sort of press  
01:40 10 release or talking point memo of, Hey, tell all  
11 your agencies this message about unintentional  
12 discharges?

13 A. No.

14 Q. Do you ever get questions from any law  
01:40 15 enforcement agency about any of the various  
16 litigation cases that have been filed against SIG  
17 Sauer related to 320 unintended discharges?

18 A. Yes.

19 Q. What do you tell them?

01:40 20 A. It's in litigation, very limited in the  
21 scope that we can provide information, your best  
22 avenue is to contact the agency.

23 Q. You're aware that a jury in Atlanta  
24 returned a verdict finding SIG Sauer liable in a  
01:41 25 unintended discharge injury case earlier this

01:41 1 summer?

2 A. I recall that, yes.

3 Q. Have you gotten any questions about that?

4 A. Yes.

01:41 5 Q. What do you tell them?

6 A. There was a response from marketing that  
7 we provide.

8 Q. And is that a response to a telephone  
9 call, an email or both?

01:41 10 A. For the most part it's an email. However,  
11 if there is a telephone call or some other  
12 communication, we provide them with that  
13 response.

14 Q. Is this response written down anywhere?

01:41 15 A. Yes.

16 Q. As you're sitting here, do you remember  
17 what it is?

18 A. Generically? I mean, you want me to  
19 generalize what it says?

01:42 20 Q. I want you to tell me what you remember.

21 A. From what I remember is that we disagreed  
22 with the verdict and that we're appealing it.

23 Q. Anything else?

24 A. Nothing that comes to mind, no.

01:43 25 Q. So, we looked at those unintentional

01:43 1 discharge reports that they kind of talk about  
2 the process. So, you get the phone call, you  
3 gather the information.

4 Is there any process for communicating  
01:43 5 back with whom ever initiated the report of an  
6 unintended discharge?

7 A. So, that truly depends on if there's  
8 questions about what it contains and whether  
9 there's a need for follow-up. So if it's a  
01:43 10 complete and all of the things that we can offer  
11 that agency have been offered day one, it's  
12 dependent upon whether the gun is coming back for  
13 inspection or not.

14 Q. When you say offered all the things that  
01:43 15 we can offer, what are those things?

16 A. For us to actually examine the pistol and  
17 provide the report as to our findings.

18 Q. And so do you typically get the  
19 opportunity to examine the pistol or someone at  
01:44 20 SIG Sauer gets to examine the pistol?

21 A. In cases where the agency has not  
22 determined a cause that they find to be anything  
23 other than -- you know, if they find that the  
24 officer inadvertently pulled the trigger or they  
01:44 25 subsequently uncovered something that would be

01:44 1 that they understand how it happened but a good  
2 number of the guns come back.

3 Q. And so the gun comes back, it's analyzed.  
4 How are the findings of that analysis  
01:44 5 communicated back to the law enforcement agency?

6 A. By email.

7 Q. Who does that email come from?

8 A. I'm fairly certain it comes back from Al  
9 Larochelle.

01:45 10 Q. Are the regional managers copied on that  
11 email or the applicable regional manager?

12 A. I think so.

13 Q. Are you?

14 A. Usually.

01:45 15 Q. Are you copied on all of them or just the  
16 eastern U.S?

17 A. For the most part the eastern U.S. on the  
18 return trip.

19 Q. Is it safe to infer that Tom Mechling gets  
01:45 20 copied on the ones that go to the West side?

21 A. It's my assumption, yes.

22 Q. That's basically how it works. Right.

23 A. Yes.

24 MR. WERTS: This is SIG-OAI2286. I'm not  
01:46 25 going to mark it as an exhibit but that's another

01:46 1 one on the privilege issue that we talked about.  
2 Like you said, it's an OAI so it's not a  
3 surprise.

4 MR. GIBSON: So you're not giving it to  
01:46 5 him then?

6 MR. WERTS: No. It was just in the stack.

7 MR. GIBSON: Okay.

8 (WHEREUPON, a document was marked as  
9 Exhibit Number 6 and the witness reviewed the  
01:47 10 document.)

11 BY MR. WERTS:

12 Q. Okay. I've handed you now what's been  
13 marked Deposition Exhibit 6 which is an email.  
14 It has attached to it a press release regarding  
01:47 15 the voluntary upgrade program.

16 Do you see that?

17 A. Yes.

18 Q. And you introduced a new acronym to me a  
19 moment ago when you called it the LEVUP or the  
01:48 20 L-E-V-U-P -- meaning the Law Enforcement  
21 Voluntary Upgrade Program.

22 A. Correct.

23 Q. Is that a different program than what the  
24 voluntary upgrade program for consumer guns?

01:48 25 A. I'm sure it was.



01:48 1 Q. Okay. Did you have a press release that  
2 was issued by SIG Sauer regarding the Law  
3 Enforcement Voluntary Upgrade Program?

4 A. I don't remember.

01:48 5 Q. Did you have some way that you -- how did  
6 you tell the law enforcement folks that there was  
7 this LEVUP?

8 A. It was my memory of this is a letter went  
9 out to all of our customers basically advising  
01:48 10 them something similar like this. However, the  
11 program for agencies was a replacement of their  
12 pistols so we would replace -- if an agency had  
13 sent been sent a hundred guns, we would build  
14 them a hundred, send them to them. When they  
01:49 15 transition, they would send the other hundred  
16 back to us.

17 Q. And that was for every law enforcement  
18 agency that SIG ever sold a gun to or a P322?

19 A. Yes.

01:49 20 Q. You said there was one letter that went to  
21 each of the agencies.

22 A. There was minimally a letter and if I'm  
23 not mistaken, I want to say this was on our  
24 website as well.

01:49 25 Q. How many law enforcement agencies took you

01:49 1 up on the offer?

2 A. I think most of them. I mean, obviously I  
3 don't know. So, there's another piece in our  
4 business. So, there are agencies that are  
01:49 5 individually owned officer guns, so they may get  
6 a stipend from their department when they buy  
7 their gun. So, that was kind of that caveat that  
8 area that was a little bit that is far different  
9 than that but that was a Sig plan.

01:50 10 Q. That was one of my questions. If you've  
11 got an officer who's buying a personal gun  
12 through the law enforcement channel, did he get a  
13 replacement or did he get the opportunity to have  
14 his pistol upgraded?

01:50 15 A. That's what I'm saying. There's agencies  
16 that these were their primary duties. So, we did  
17 this for all primary duty guns as we put the gun  
18 together.

19 Q. But if it was a secondary gun?

01:50 20 A. It was a consumer.

21 Q. That was the consumer?

22 A. Yes, or similar to it.

23 Q. Did you tell people that there were any  
24 differences in the programs?

01:50 25 I'm asking the question that way on

01:50 1 purpose because you're the communications guy.

2 I'm not trying to nail you down --

3 A. I got you.

4 Q. -- in details on the bump but I just want

01:51 5 to know what you said to people about it.

6 A. So, I don't recall whether the individual

7 officer guns came through the same necessarily

8 channel. They come came back to SIG. I don't

9 know that there wasn't a Line A, a Line B because

01:51 10 we try to turn these around because these are

11 guns being carried by people off duty capacity

12 and I'm not sure how the commercial LEVUP worked

13 or that upgrade worked. So, I'm assuming it's

14 very similar but ours were fast-tracked.

01:51 15 Q. So, about half way through this press

16 release there's a paragraph -- the fourth

17 paragraph says, "As a result of input from law

18 enforcement, government and military customers,

19 SIG has developed a number of enhancements . . ."

01:51 20 Do you see that?

21 A. Yes.

22 Q. What input from law enforcement did SIG

23 Sauer receive that led to enhancements in

24 function, reliability and overall safety that

01:52 25 were made to the P320 as part of the upgrade

01:52 1 program?

2 A. I have no idea.

3 Q. Did you receive any?

4 A. I don't know. I'm assuming this is from  
01:52 5 the commercial side?

6 Q. I just have the documents that were given  
7 to me.

8 A. Yeah. I don't know what is meant by that,  
9 so it's hard for me to figure out what we may  
01:52 10 have inputted. I don't know.

11 Q. I guess prior to the upgrade program, had  
12 you gotten any input from your law enforcement  
13 partners on the function, reliability and safety  
14 of the P320?

01:52 15 A. No.

16 Q. I'm sorry. You were looking down. Did  
17 you answer that question?

18 A. Yeah. I said no. I don't know.

19 Q. Those are two different answers. No or I  
01:53 20 don't know.

21 A. So, I may be answering this question  
22 again. Can you tell me --

23 Q. Sure.

24 A. Repeat that.

01:53 25 Q. Did SIG Sauer receive any input from law

01:53 1 enforcement regarding the function, reliability  
2 and overall safety of the P320 prior to the  
3 upgrade program?

4 A. Not that I'm aware of, no.

01:53 5 Q. Has SIG ever sought input from its law  
6 enforcement partners regarding the function,  
7 reliability or overall safety of the P320?

8 A. Not that I can recall, no. I don't recall  
9 ever hearing any.

01:54 10 Q. You can set that aside.

11 (WHEREUPON, a document was marked as  
12 Exhibit Number 7 and the witness reviewed the  
13 document.)

14 BY MR. WERTS:

01:55 15 Q. I've handed you now what's been marked  
16 Deposition Exhibit 7 which appears to be an  
17 agenda for a voluntary upgrade visit or meeting I  
18 think it was called.

19 Do you see that?

01:55 20 A. Yes.

21 Q. Do you recall this meeting?

22 A. I recall a meeting. I'm assuming it's  
23 this one.

24 Q. Okay. If you look under the 10:30 on  
01:55 25 Tuesday, you were one of the scheduled speakers.

01:55 1 Does that refresh your recollection?

2 A. We weren't speakers.

3 Q. You were the presenter?

4 A. Yes.

01:55 5 Q. What is the distinction?

6 A. So if this -- we had agencies come to  
7 SIG -- I'm going to say 10, it could have been  
8 12, it could have been 9 -- it was in that 10  
9 vicinity of agencies come to SIG.

01:56 10 We each kind of paired off with people in  
11 a room and they selected a pistol off of pallets  
12 of pistols that was going to be their gun going  
13 through the process and what we did was showed  
14 each of them and dropped each of those guns  
01:56 15 through the testing that we did through the LEVUP  
16 program. So, it took us about half hour.

17 As we broke the group up, we each took  
18 three or four people, we walked around, they pick  
19 guns off of pallets and we went into this room  
01:56 20 where these guns were then dropped.

21 Q. And so just a couple -- we'll get back  
22 into the details but just a couple broad  
23 questions.

24 Was there only one such meeting or were  
01:56 25 there a series of these sort of meetings?

01:56 1 A. This was the only one of this like this.  
2 We may have other meetings regarding this program  
3 and how we were going to do this but this was the  
4 only one where we had customers in it.

01:57 5 Q. That's what I'm -- there's all the prep  
6 that goes into it but were there any others where  
7 you brought law enforcement agencies or  
8 representatives into SIG to talk about the  
9 upgrade program?

01:57 10 A. I don't recall any with this.

11 Q. Who were the agencies that came to this?

12 A. I can tell you without question the  
13 Indiana State Police was there.

14 Q. Okay.

01:57 15 A. I believe Dallas, Texas. The other ones  
16 are guesses. I don't recall.

17 Q. Why are you so certain about the Indiana  
18 State Police?

19 A. Because I know the guy very well. I  
01:57 20 remember him being there and I remember Dallas --  
21 the firearms guy at Dallas was fairly vocal about  
22 the issue, so we wanted to be assured that he was  
23 there.

24 Q. When you say "vocal about the issue," what  
01:57 25 do you mean?

01:58 1 A. About the issue -- the problem with this  
2 drop safety.

3 Q. Did Dallas use the 320?

4 A. I don't know.

01:58 5 Q. So, a couple of things on this. The 9  
6 o'clock -- the 9 a.m. slot, there's a  
7 presentation with John Brasseur, Sean Toner,  
8 Adrian Thomele.

9 Was that a PowerPoint slide show  
01:58 10 presentation?

11 A. Yes.

12 Q. Was that PowerPoint ever made available to  
13 other law enforcement agencies besides the ones  
14 that were invited to this trip?

01:58 15 A. I don't remember.

16 Q. Was that slide show ever put on SIG  
17 Sauer's website?

18 A. (Shakes head.)

19 Q. The pistol selection -- you've already  
01:59 20 answered this one because that one was a little  
21 confusing to me. That's just a -- the fact of  
22 that, just go pick a gun --

23 A. That was it. We had five, six, eight -- I  
24 don't know. There was a bunch of pallets, pick a  
01:59 25 gun, whichever row you want, however you need



01:59 1 down, we'll get it out and we'll go back into  
2 this room.

3 Q. Okay. Thank you. That's all I have on  
4 that one.

01:59 5 (WHEREUPON, a document was marked as  
6 Exhibit Number 8.)

7 MR. WERTS: Keith, I've only got one.  
8 What we've got is one of these catalog things  
9 that got printed sideways.

02:00 10 MR. GIBSON: Just show me.

11 MR. WERTS: And then there's a blow-up. I  
12 have a copy for you all.

13 MR. GIBSON: You made the blowup. It  
14 wasn't produced that way?

02:01 15 MR. WERTS: Correct. Yes, I made it just  
16 so that it's just nothing more than a zoom-in on  
17 a certain portion of the page.

18 MR. GIBSON: Got it.

19 MR. WERTS: Because I was asking him to  
02:01 20 read 6-point type.

21 BY MR. WERTS:

22 Q. All right. I've handed you now what's  
23 been marked as Deposition Exhibit 8 which is two  
24 pages. The first page is SIG-MARKETING-000139.

02:01 25 Do you see that?

02:01 1 A. Yes.  
2 Q. And then the second page is a zoom of the  
3 text on the left-hand side under "U.S. DEFENSE  
4 CONTRACTS."

02:01 5 Do you see that?

6 A. Yes.

7 Q. And I'll represent to you that that is  
8 nothing more than me just cropping out the rest  
9 of the page and trying to make it to a size that  
02:01 10 was possibly legible.

11 A. Okay.

12 Q. I just went to the original but I don't  
13 think you should have to. One question about  
14 this and I am going to ask you to squint on the  
02:02 15 first page in the lower right-hand corner and  
16 I'll tell you that the kind of gray area says  
17 "2019 SIG SAUER PRODUCT CATALOG."

18 Do you see that?

19 A. Yes.

02:02 20 Q. What is a SIG Sauer Product Catalog?

21 A. It's a catalog with SIG Sauer products.

22 Q. Okay. They are not all trick questions.

23 A. Okay.

24 Q. Is that something that SIG produces on an  
02:02 25 annual basis?

02:02 1 A. Are we talking about a hard catalog like a  
2 book or online or --

3 Q. Either, neither or both.

4 A. Yes.

02:02 5 Q. Ultimately I was trying to get at, it says  
6 it's the 2019 version.

7 So, should I intuit that there's a 2018,  
8 2020, 2021 version?

9 A. I would assume.

02:02 10 Q. You sell these for a living, not me.

11 A. We don't deal with the total product  
12 catalogs. I typically never look at this. We  
13 have an L.E. catalog, so I don't necessarily ever  
14 concern myself with anything outside of that --

02:03 15 not that I've never looked at it but our main  
16 focus is the law enforcement catalog --

17 Q. Which is a separate --

18 A. -- which is a pared town version of  
19 whatever this is.

02:03 20 Q. On the L.E. catalog, do those come out  
21 annually?

22 A. Yeah, they are supposed to.

23 Q. Have they sometimes not?

24 A. Sometimes they've been extensively  
02:03 25 delayed.

02:03 1 Q. Let's go through this maybe more  
2 laboriously. Is there a 2024?

3 A. I believe so.

4 Q. Is there a 2023?

02:03 5 A. We have the catalogs. It's just a matter  
6 of what time of year they show up. It may be a  
7 2023 catalog but it may not show up until August.  
8 So, we run off of -- we run off of our price  
9 list, not off of our catalogs.

02:04 10 Q. Are the catalogs provided to law  
11 enforcement agencies?

12 A. When we have hard copies, yes. I don't  
13 know that we have a hard copy of a catalog for a  
14 while because everybody wants to look at  
02:04 15 everything online.

16 Q. Are they provided an online version of the  
17 catalog or they just said go to the SIG Sauer  
18 website?

19 A. Yes, go to the SIG Sauer website.

02:04 20 Q. And so your L.E. folks are looking at the  
21 same stuff the consumers do online?

22 A. A lot of them, yes.

23 Q. Is there a distinction? You said "a lot  
24 of them." Is there some --

02:04 25 A. Far too many I'll say because a lot of law

02:04 1 enforcement will see things on this catalog and  
2 want them and they don't fall within the Law  
3 Enforcement product line.

4 Q. What do you do then?

02:05 5 A. We tell them there's no law enforcement  
6 discount and let them do what they will.

7 Q. So looking at the second page and looking  
8 at the next to the last one, it says the  
9 Department of Homeland Security says a rigorous  
02:05 10 down selection process with the P320 which was  
11 chosen as the official duty pistol for DHS,  
12 immigration, customs and enforcement.

13 Do you see that?

14 A. I do.

02:05 15 Q. Do you know when that occurred?

16 A. No.

17 Q. Do you know what communication SIG Sauer  
18 had with DHS about that selection process?

19 A. No.

02:06 20 Q. Was anything done to prepare you to talk  
21 about that selection process before you sat down  
22 today?

23 A. No.

24 Q. So if I ask you a bunch of questions about  
02:06 25 it, you wouldn't be prepared to answer those

02:06 1 today?

2 A. None.

3 Q. Who should I talk to if I wanted to know  
4 about the DHS selection process?

02:06 5 A. I would guess it would probably be Phil  
6 Aufiero, yeah.

7 Q. Who is that?

8 A. He is -- I guess he's my counterpart and  
9 local defense and I don't know that he would be  
02:06 10 the one but he could definitely point you in the  
11 right direction. The spelling on his last name  
12 is A-u-f-i-e-r-o.

13 Q. He's a senior director in that department?

14 A. I don't know what his title is but he's  
02:07 15 more or less my counterpart. It just may be  
16 director. I don't know how many directors they  
17 have.

18 Q. He's the director that handles Federal Law  
19 Enforcement?

02:07 20 A. Yes.

21 Q. Does the fact that DHS has chosen the P320  
22 something that your sales team uses when it's  
23 selling guns to law enforcement agencies?

24 A. I wouldn't say it's high on the list but  
02:07 25 I'm not going to say no one has ever mentioned

02:07 1 it.

2 (WHEREUPON, a document was marked as  
3 Exhibit Number 9.)

4 BY MR. WERTS:

02:07 5 Q. I've handed you what's been marked  
6 Deposition Exhibit 9 which is a two page exhibit  
7 SIG-MARKETING-90 and 91.

8 Do you see that?

9 A. Yes.

02:09 10 Q. And then the third page that I've stapled  
11 to the back, you'll find it's a zoom of the far  
12 right panel on 91.

13 A. Yes.

14 Q. And so -- and my interest is really just  
02:09 15 the zoom-in page that I would have questions on  
16 but just so the record was clear, I wanted to  
17 kind of show where that was because it was  
18 something that I dreamed up.

19 A. (The witness reviewed the document.)

02:10 20 Q. So on the "LAW ENFORCEMENT" under "Federal  
21 Law Enforcement" it has the Department of  
22 Homeland Security, U.S. Coast Guard and  
23 Department of the Interior.

24 Do you see that?

02:10 25 A. Yes.

02:10 1 Q. Setting that aside whether the Coast Guard  
2 knows that SIG considers them law enforcement,  
3 not military, that's a different discussion.

4 If I were to ask you questions I know the  
02:10 5 answer on the Department of Homeland Security  
6 because we've already talked about it but are you  
7 prepared today to talk with me about  
8 communications with the Coast Guard or the  
9 Department of the Interior regarding the P320?

02:10 10 A. No.

11 Q. Was anything done to prepare you to have  
12 that conversation with me?

13 A. No.

14 Q. Then under "State Law Enforcement," it  
02:11 15 provides several and then it also has several  
16 municipalities that span the bottom of the middle  
17 column and far right column.

18 Do you see that?

19 A. Yes.

02:11 20 Q. Looking at this list, do all of these  
21 agencies still use the SIG Sauer P320 today?

22 A. (The witness reviewed the document.) I  
23 don't know.

24 Q. Are there any that --

02:11 25 A. So based on my dealings, I don't know



02:11 1 about North Dakota. I don't know about Oklahoma  
2 Highway Patrol. I would say those are the two  
3 suspect ones. The municipal police departments,  
4 Pasco County Sheriff no longer does. I'm not  
02:12 5 sure about all of the rest.

6 Q. Are there any on that list under the  
7 municipal departments other than Pasco County  
8 Sheriff that you know do not continue to use the  
9 P320?

02:13 10 A. The only one that I'm sure of is Pasco  
11 County.

12 Q. Did Pasco County tell SIG why it's  
13 discontinuing its use of the P320?

14 A. Officially, like, tell us how? I'm not  
02:13 15 quite sure I understand.

16 Q. So --

17 A. I know they transitioned out.

18 Q. Did they ever say why?

19 A. They may have told the regional manager  
02:13 20 but I don't necessarily recall.

21 Q. Was it after the report of unintended  
22 discharge?

23 A. My recollection, it had more than one.

24 Q. On the P320?

02:13 25 A. It's my recollection. So do you want me

02:14 1 to guess? Yes. After -- sometime after the 1st.

2 Q. Do you have reason to think that it was  
3 any reason other than the repeated unintentional  
4 discharge of the P320?

02:14 5 A. I don't have any reason to believe that is  
6 the only reason either, so I don't know how to  
7 answer that one.

8 Q. If we wanted to figure out why Pasco  
9 County Sheriff stopped using the P320, how we  
02:14 10 would do that?

11 A. I guess contact Pasco County.

12 Q. SIG doesn't know?

13 A. Sorry?

14 Q. SIG Sauer doesn't know?

02:14 15 A. I may be able to talk to the regional  
16 manager and say, Do you know from your source  
17 there why?

18 Q. Who is that regional manager?

19 A. So, what year is this?

02:14 20 Q. Looking at the other pages of our exhibit,  
21 I can tell you that it's some time around 2019.

22 A. So that would have been Dave O'Conner.

23 Q. When did Pasco stop using the P320  
24 platform?

02:15 25 A. I don't know. I just know that they

02:15 1 transitioned out.

2 Q. Do you know what they changed to?

3 A. I do not.

4 Q. SIG Sauer -- has SIG Sauer Law Enforcement  
02:15 5 Sales staff been provided any talking points to  
6 address questions about the Pasco County Sheriff  
7 discontinuing its usage of the P320?

8 A. No.

9 Q. Are your sales folks given any training on  
02:16 10 how to respond to a question like -- has anyone  
11 that has adopted the P320 ever dropped it as a  
12 department gun?

13 A. Can you say that one more time?

14 Q. Sure. So you've got your sales staff --

02:16 15 A. Yeah.

16 Q. -- and they're trained to respond to  
17 questions. Right?

18 A. Yes.

19 Q. If one of those questions is responding to  
02:16 20 questions about other agencies that may have  
21 discontinued the P320 after adopting it, how  
22 would your sales staff respond?

23 A. I think that would depend on who is asking  
24 the question. So that may be I would say one of  
02:16 25 two ways. They could either refer them to the

02:16 1 agency to speak to. If it's an "I heard this is  
2 why," they may confirm or not confirm.

3 So, I think it's dependent on the  
4 conversation and the relationship that the  
02:17 5 regional manager has with the person asking the  
6 question.

7 Q. Okay. If the question is, Hey, I heard  
8 Pasco County dropped the P320 -- what would you  
9 tell the prospective customer?

02:17 10 MR. GIBSON: Form.

11 THE WITNESS: Back to what I said. It  
12 would depend on my relationship with the person  
13 asking the question.

14 BY MR. WERTS:

02:17 15 Q. I'm brand new. We just met today.

16 A. I would tell you you should probably  
17 contact Pasco County.

18 Q. You're not going to tell me anything else?

19 A. Can you restate your question?

02:17 20 Q. And that's the only thing you're going to  
21 tell me as a prospective customer?

22 A. What was the original question?

23 Q. I heard Pasco County Sheriff had the P320  
24 and then they dropped it; what happened there?

02:17 25 A. What do you mean by "dropped it"?

02:17 1 Q. That they no longer use that as the duty  
2 weapon.

3 A. That is my understanding. That is what I  
4 will tell you.

02:17 5 Q. Why do they change guns?

6 A. That would be for them to tell you.

7 Q. Okay. That's the totality of what you  
8 would expect a prospective customer being told?

9 A. You asked what I would say and that's what  
02:18 10 I would tell you.

11 Q. Okay. Would you expect your regional  
12 manager to say something different?

13 A. Back to what I previously said, I think  
14 that depends upon the relationship the regional  
02:18 15 manager has with the person asking the question.

16 Q. How does that impact it?

17 A. So, the regional manager was in the  
18 sheriff's department down in Florida not far from  
19 Pasco County, so I would assume that somebody  
02:18 20 with whom he worked with when he was there, they  
21 would have a much more candid, different  
22 conversation than they would have with you.

23 Q. And what would he say in the candid  
24 version?

02:18 25 MR. GIBSON: Object to form.

02:18 1 THE WITNESS: That I don't know.

2 BY MR. WERTS:

3 Q. We looked at the product catalog a little  
4 bit ago and it referenced the DHS has adopted the  
02:19 5 SIG Sauer P320.

6 Do you recall that?

7 A. Uh-huh. Yes.

8 Q. When law enforcement agencies are  
9 considering the P320, are they told that there  
02:19 10 are differences between the DHS P320 and the  
11 regular factory P320?

12 A. I don't know that there is.

13 (WHEREUPON, a document was marked as  
14 Exhibit Number 10.)

02:19 15 BY MR. WERTS:

16 Q. I've handed you now what's been marked as  
17 Deposition Exhibit 10.

18 You've already agreed you're not an  
19 engineer, you're not a manufacturer but have you  
02:20 20 ever seen one of these quality control  
21 presentations like what I've handed you in  
22 Exhibit 10?

23 A. I may have seen an assembly instruction.  
24 I don't know that I paid that much attention to  
02:20 25 it.

02:20 1 Q. That was going to be my point. I mean,  
2 you're not an engineering guy but if you will,  
3 turn to Page 6 for me.

4 Under STEP 2, it talks about a blue and  
02:21 5 white DHS slide assembly. Do you see that? It's  
6 Page 2588 at the bottom.

7 MR. GIBSON: Here. It says sixth.

8 A. Okay. All right. STEP 2. Okay.

9 Q. So the DHS gun has a different slide  
02:21 10 assembly than the factory guns?

11 A. I don't know what it says on the factory  
12 gun assembly.

13 Q. But the factory gun is not blue and white,  
14 is it?

02:22 15 A. I don't know that.

16 Q. Have you ever seen a blue and white one  
17 come off the factory?

18 A. I don't know if this is pre-coating or I  
19 don't know. I don't really know what I'm looking  
02:21 20 at.

21 Q. Fair enough. If you will, turn to Page 12  
22 for me.

23 A. Okay.

24 Q. It talks about four. At the top do you  
02:22 25 see it says "Blue and White DHS Strikers."

02:22 1 A. Yes.

2 Q. And you see where it says, Striker  
3 assemblies for the blue and white slides have the  
4 same similar process only with a different  
02:22 5 striker pin which is offset.

6 Do you see?

7 A. I do see that.

8 Q. Which is a different striker pin than was  
9 in all the other P320s. Right?

02:22 10 A. I'm assuming since it says "offset."

11 Q. You've seen lots of P320 striker pins.  
12 Right?

13 A. I've seen my fair share.

14 Q. Ever seen one that is offset?

02:22 15 A. Not that I recall.

16 Q. So going back to my only question of  
17 whether SIG Sauer tells other law enforcement  
18 agencies that there are differences from the DHS  
19 gun and the other firearms that might be sold,  
02:23 20 that's not something that you are told, is it?

21 A. No.

22 Q. We talked earlier about a component that  
23 was coated. Do you recall that?

24 A. Yes. Trigger bar, trigger bar spring. I  
02:23 25 don't remember which one.



02:23 1 Q. And to be fair, I think you said it was  
2 the trigger bar and Keith and I talked about this  
3 and it's actually the spring but you're not an  
4 engineer, so I'm not going to beat you up about  
02:23 5 that.

6 A. Thank you.

7 Q. Who ever it was that you talked to should  
8 have explained it a little bit better but that is  
9 neither here nor there.

02:23 10 But the DHS gun had a different coated  
11 spring that was used in other P320s. Correct?

12 A. That's my understanding at the time their  
13 guns were built, yes.

14 Q. And that's not something that was ever  
02:23 15 disclosed to any of the law enforcement agencies  
16 that were considering buying the P320, was it?

17 A. Not that I'm aware of.

18 Q. And, in fact, you didn't even know about  
19 it until you were getting ready for this  
02:24 20 deposition, did you?

21 A. Correct.

22 Q. If I were to ask you a bunch of questions  
23 about the problems with that spring why DHS  
24 wanted a different spring, what was done to fix  
02:24 25 it, have you been prepared to answer those

02:24 1 questions?

2 A. No.

3 Q. Or if I wanted to ask you about the  
4 communications back and forth between SIG and DHS  
02:24 5 about the spring replacement, are you prepared to  
6 answer those questions?

7 A. No.

8 Q. Do law enforcement agencies ever provide  
9 particular requirements for guns that they might  
02:25 10 be considering buying from SIG Sauer?

11 A. Yes.

12 Q. Walk me through that process on that. How  
13 does that happen?

14 A. So there are RFPs, Request For Purchase,  
02:25 15 or RFI, Request For Information, that is probably  
16 the most formal notification we ever get.  
17 Oftentimes it is simply we want to take a look at  
18 the P320 carrier full with whatever -- you know,  
19 I want a Romeo 1 Pro. A lot of it is driven by  
02:25 20 optics today but typically it's a communication  
21 from the agency to us either through regional  
22 manager or one of our distributors.

23 Q. And you give an example earlier of like  
24 NYPD has a minimum trigger pull.

02:26 25 A. Yes.

02:26 1 Q. But the P320 does not satisfy that trigger  
2 pull. Correct?

3 A. The standard P320?

4 Q. Correct.

02:26 5 A. Correct.

6 Q. So, can SIG Sauer manufacture a special  
7 P320 for special requirements?

8 MR. GIBSON: Object to scope. Go ahead,  
9 answer.

02:26 10 THE WITNESS: I think we have a lot of  
11 capabilities and I'm not going to ever guess that  
12 we couldn't do it.

13 BY MR. WERTS:

14 Q. Let's stick within our communications  
02:26 15 capacity.

16 Has anybody ever asked the Law Enforcement  
17 Department for a heavier trigger pull than the  
18 P320?

19 A. Yes.

02:26 20 Q. Who?

21 A. Ontario Province in Canada has an 8 pound  
22 trigger weight requirement.

23 Q. Okay. Anyone else?

24 A. NYPD. That's never been -- that's never  
02:27 25 gone anywhere. Off the top of my head, I can't

02:27 1 think of any others.

2 Q. Were you able to sell Ontario 8 pound  
3 trigger weight P320s?

4 A. I believe we did provide them.

02:27 5 Q. But that's not the standard P320. An 8  
6 pound trigger pull would not be the standard ones  
7 you're selling. Right?

8 A. The 320, no. But if that's what we show  
9 on the M-17 and M-18 in the law enforcement

02:28 10 world, that is the standard with the option to go  
11 with a 6 plus or minus trigger pull if they want  
12 that.

13 Q. I want to break that down just a little  
14 bit. So, you said the P320, the standard trigger  
02:28 15 is in the vicinity of 6 --

16 A. Yes.

17 Q. -- is what you tell folks. But if you're  
18 selling them an M-17 or M-18, those are an 8  
19 pound trigger pull.

02:28 20 Is that a yes?

21 A. Yes.

22 Q. And that's what you tell people to ask  
23 about the M-17 and M-18 that that is the standard  
24 trigger pull on that pistol?

02:28 25 A. Yes.

02:28 1 Q. But if an agency wanted an M-17 or M-18  
2 with a vicinity of 6 trigger pull, you could sell  
3 them that gun too?

4 A. Yes.

02:28 5 Q. Do you tell them what has to be different  
6 in order to accomplish that?

7 A. I'm not quite sure of what you're asking.

8 Q. What is the difference between an 8 pound  
9 and 6 pound --

02:29 10 A. There's a spring in the trigger.

11 Q. When you're selling the M-17 and M-18, do  
12 you tell them which trigger weight is the  
13 military standard -- what the military has  
14 adopted?

02:29 15 A. No.

16 Q. Do you know which one it has?

17 A. No.

18 Q. You just know that you have an option for  
19 8 pounds on those?

02:29 20 A. Yes.

21 Q. But you don't on the standard P320?

22 A. I'm sorry?

23 Q. But do you not have that option on just a  
24 standard P320 full size pistol?

02:29 25 A. It's an option. It's just not a standard

02:29 1 but we can do an 8 pound trigger on the P320 as  
2 well.

3 Q. Is that a special order or is that  
4 something that is in a catalog that a consumer or  
02:30 5 an individual law enforcement officer can buy?

6 A. So, it's not a standard built so it  
7 doesn't go out the door like that. However, if  
8 there's a requirement or somebody wants it, yes,  
9 we can do it.

02:30 10 Q. But the 8 pound trigger is not the  
11 standard build?

12 A. Not on a P320.

13 Q. It is the standard on the M-17 or M-18.

14 A. For law enforcement.

02:31 15 Q. When you're selling the SIG Sauer P320,  
16 does the sales staff have any training on saying  
17 that the P320 has passed certain safety testing  
18 and safety standards?

19 A. In relationship to?

02:31 20 Q. You're trying to sell the gun and like,  
21 Hey, we got this P320. Would you say something  
22 like it's passed all these safety tests or it's  
23 passed certain tests or do you talk about safety  
24 tests?

02:31 25 A. It's very rare that anything comes up and

02:31 1 I think what came up most during the LEVUP as far  
2 as the drop safety but typically I don't recall  
3 it ever coming out outside that.

4 Q. Has SIG Sauer ever had a law enforcement  
02:32 5 agency ask for a tab trigger on a P320?

6 A. Not that I recall. I don't recall  
7 although it was an option -- and actually I'm  
8 going to take that back. Royal Canadian Mounted  
9 Police when they issue their RFI, the tab trigger  
02:32 10 was included and later it was taken out of the  
11 RFP.

12 Q. Anyone else other than the Mounties?

13 A. Not that I recall ever hearing.

14 Q. If somebody asked for one, could you sell  
02:33 15 them a gun with a tab trigger?

16 MR. GIBSON: Object to form.

17 THE WITNESS: Once again, we have the  
18 capabilities to do a lot. Right?

19 BY MR. WERTS:

02:33 20 Q. On the law enforcement guns, is the manual  
21 safety an option?

22 A. Yes.

23 Q. Is it an option on every size P320?

24 A. So, I know it's an option in the carry in  
02:33 25 the full size. I don't know about the compact.

02:33 1 Q. But the carry size can come with the  
2 optional manual safety?

3 A. Yes.

4 Q. Does SIG Sauer ever receive any  
02:34 5 communication from a law enforcement agency, Hey,  
6 I don't want a manual safety on my guns?

7 A. That they don't want it?

8 Q. Yep.

9 A. I don't recall ever seeing anything like  
02:34 10 that.

11 Q. Are there some departments that want the  
12 manual to be optional manual safety?

13 A. I've never had one ask for it.

14 Q. We talked a little bit earlier about the  
02:35 15 manual that comes with the P320.

16 Do you recall that?

17 A. Yes.

18 Q. And I believe you indicated that the law  
19 enforcement models come with the same manual as  
02:35 20 would be sold for the consumer version. Correct?

21 A. I'm assuming it does.

22 Q. And that the same statements are made to  
23 law enforcement folks about the safety  
24 characteristics of the P320 as were made to the  
02:36 25 consumers. Correct?



02:36 1 MR. GIBSON: Object to scope.

2 THE WITNESS: I need to hear that again.

3 BY MR. WERTS:

4 Q. Sure. Let me ask it a better way with the

02:36 5 rest of the question.

6 Other than the manual, are the performance

7 or safety characteristics of the P320

8 communicated to law enforcement folks through any

9 other means?

02:36 10 A. Other than the pamphlet that comes with

11 the gun?

12 Q. Yeah.

13 A. So if there's questions, yes. Most of our

14 customers are well-read. They don't walk into

02:36 15 this blindly but certainly we're there to answer

16 their questions and frequently do.

17 Q. But in the absence of questions, it's the

18 thing that SIG Sauer affirmatively says?

19 A. As far as the safety and the operation?

02:37 20 Q. The safety and performance

21 characteristics.

22 A. I think that is fair.

23 Q. Is there anything else?

24 A. No.

02:37 25 Q. I want to know if there is.

02:37 1 A. No.

2 Q. Okay. Have you ever heard of the National  
3 Institute for Justice?

4 A. Yes.

02:37 5 Q. What is that?

6 A. They set forth standards as they pertain  
7 to certain things like the drop safety on body  
8 armor and other things utilized by law  
9 enforcement.

02:38 10 Q. And were you aware that they have a  
11 standard for auto loading pistols for police  
12 officers?

13 A. I am. I did not know that.

14 Q. As part of your sales materials, does SIG  
02:38 15 Sauer ever tell law enforcement agencies that the  
16 P320 passes the NIJ standards?

17 A. I've never done it. I don't know that if  
18 any of my guys ever have.

19 Q. Do you know whether the P320 has passed  
02:38 20 that standard?

21 A. I don't know what the standard is.

22 Q. Not something you communicate with when  
23 you're selling the P320 to law enforcement  
24 agencies?

02:39 25 A. No.

02:39 1 Q. There's no talking about it at all?

2 A. I don't know anything about it. It makes  
3 it kind of hard.

4 Q. I know we talked a little bit about  
02:39 5 Department of Homeland Security and if I were to  
6 ask you questions about communications that SIG  
7 Sauer has had with Homeland Security about any  
8 testing that DHS has done on the P320, you  
9 wouldn't be prepared to answer those questions  
02:40 10 today. Correct?

11 A. I am not.

12 Q. Have other law enforcement agencies other  
13 than Federal law enforcement agencies performed  
14 any testing on the P320?

02:40 15 A. Yes.

16 Q. Who?

17 A. I know Texas DPS did and I have to  
18 actually now that I have started that to ask you  
19 to clarify what "testing" is.

02:40 20 Q. A series of objective measures to  
21 determine the performance and safety  
22 characteristics of the gun.

23 A. I would have to say pretty much every law  
24 enforcement agency does some sort of testing.

02:40 25 Q. Does SIG Sauer have communications from

02:40 1 those agencies about the testing?

2 A. Usually verbal. There are some that will  
3 provide written.

4 Q. Can you think of anybody that has ever  
02:41 5 provided a written feedback on their testing?

6 A. Texas DPS which is why they first came to  
7 mind.

8 Q. Anyone else?

9 A. None other that come to mind here but  
02:41 10 those are the main ones that I can think of right  
11 now.

12 Q. Has Texas DPS ever adopted the SIG Sauer  
13 P320 as its duty firearm?

14 A. Yes.

02:41 15 Q. Do they still?

16 A. They are in the process of transitioning  
17 to the M-18, I believe. They could be the M-17.  
18 I'm not quite sure which one.

19 Q. Have they told you why they're  
02:41 20 transitioning?

21 A. This was optics-driven.

22 Q. What does that mean?

23 A. They currently don't have a mounted optic  
24 on their gun and they tested different optics and  
02:42 25 decided they wanted to go the M-17 optic, so they

02:42 1 are transitioning to M-17 or M-18 to accommodate  
2 that optic.

3 Q. And all of the M-17 and M-18s have a  
4 manual safety on them. Correct?

02:42 5 A. No, they do not.

6 Q. You can get an M-17 or M-18 without a  
7 manual safety?

8 A. The LA version? Yes.

9 Q. Is Texas DHS getting the M-17 or M-18 with  
02:42 10 or without a manual safety?

11 A. Without.

12 Q. Does SIG Sauer provide any guidance to law  
13 enforcement agencies as to whether to carry the  
14 P320 with a round chambered?

02:44 15 A. No.

16 Q. Would you be surprised to learn that the  
17 manual tells you to not chamber a round until  
18 they're ready to fire?

19 A. Would I be surprised?

02:43 20 Q. Yes.

21 A. I don't know that anything would really  
22 surprise me anymore.

23 Q. Did you know that before I brought it up?

24 A. I think I remember something along those  
02:43 25 lines.

02:44 1 Q. Do most law enforcement officers carry  
2 their duty weapon with a round in the chamber?

3 A. My best guess is yes.

4 Q. Are you aware of any that do not?

02:44 5 A. No.

6 Q. Does SIG Sauer provide any guidance to law  
7 enforcement on what holsters they should use when  
8 carrying the P320?

9 A. So, I don't know that I would call it  
02:45 10 "guidance." I would say that we caution agencies  
11 to do their due diligence and make sure that the  
12 pistol and whatever lights or optics they put on  
13 it by the security that they want to have. But  
14 as far as pointing them in a direction of use  
02:45 15 this holster or that holster, we do not provide  
16 any of that.

17 Q. Does SIG Sauer provide any guidance as to  
18 what holsters not to use with the P320?

19 A. No.

02:45 20 Q. Does SIG Sauer ever provide any guidance  
21 to law enforcement as to what holsters not to use  
22 with the P320?

23 A. Not that I'm aware of.

24 Q. Were you aware of problems that were  
02:46 25 reported with the Serpa or the Blackhawk Serpa

02:46 1 holsters in relation to the P320?

2 A. Vaguely. I just don't recall what it was.

3 Q. But your folks have never told law

4 enforcement officers, Hey, don't use the

02:46 5 Blackhawk Serpa holster. Correct?

6 A. I can't guarantee that no one has uttered

7 those words. I would say as a matter of

8 business, we don't endorse or condemn anybody

9 else's products.

02:46 10 Q. Does SIG make its own holsters?

11 A. I don't know. I know there was a time we

12 had SIG TAC I think it was called which were

13 Kydex holsters that came in a lot of our -- I

14 would say law enforcement carry gun but like a

02:47 15 concealed carry. I don't know whether we still

16 do or do not have that.

17 Q. And the reason why I asked is probably a

18 full disclosure. I bought an M-18 at Bass Pro.

19 It had almost 30 BOX, it had a SIG Sauer logo on

02:47 20 it I didn't know I was buying until I got it

21 home.

22 My question is, is that standard or is

23 that an unusual thing?

24 A. You know, the consumer packing is

02:47 25 completely different than the law enforcement

02:47 1 side. I don't know that any of our guns  
2 ear-marked on the law enforcement side contain a  
3 holster. I would be surprised if they did.

4 Q. That was my question. Do the law  
02:47 5 enforcement folks get holsters or are they just  
6 lucky?

7 A. You've got a deal.

8 Q. And so you indicated and your answer was  
9 in the present tense, so I just want to be clear  
02:47 10 on this.

11 SIG Sauer has never given any guidance on  
12 what holsters either to use or not use with the  
13 SIG Sauer P320. Correct?

14 MR. GIBSON: Object to the form.

02:48 15 THE WITNESS: We have never communicated  
16 to any of our people to endorse or condemn any  
17 holster product.

18 BY MR. WERTS:

19 Q. And I'm not trying to catch like one of  
02:48 20 your sales guys giving a personal opinions or  
21 something like that.

22 A. Right. And that does happen. There's no  
23 doubt.

24 Q. But just as far as like a position and a  
02:48 25 standardized communication.



02:48 1 A. Doesn't exist.

2 Q. Doesn't exist.

3 MR. WERTS: Let's go off the record.

4 THE VIDEOGRAPHER: We're off the record.

02:48 5 The time is 2:48.

6 (There was a short break.)

7 THE VIDEOGRAPHER: We are on the record.

8 The time is 2:55.

9 BY MR. WERTS:

02:55 10 Q. So we were marketing or selling the SIG  
11 Sauer P320.

12 Do you have like a spec sheet that  
13 describes the physical characteristics of a gun?

14 A. We do have spec sheets, yes.

02:55 15 Q. What is a spec sheet?

16 A. It's an informational sheet that basically  
17 lists all the features, length, dimensions. It's  
18 a specification sheet.

19 Q. Is that sometimes called a sell sheet or a  
02:55 20 sales sheet?

21 A. Yes.

22 Q. Is a spec sheet and a sales sheet the same  
23 thing?

24 A. In my mind, yes.

02:55 25 Q. I want to hand you what is an excerpt of

02:55 1 the SIG Sauer P320 manual to mark this as  
2 Deposition Exhibit Number 11.

3 (WHEREUPON, a document was marked as  
4 Exhibit 11 and the witness reviewed the  
02:56 5 document.)

6 BY MR. WERTS:

7 Q. If you will turn to the last page, you'll  
8 see there's a part number an a REV 00.

9 Do you see that?

02:56 10 A. Yes.

11 Q. And someone else has told me that that  
12 means this was the original manual for the P230  
13 that came out. So, this is version 00.

14 A. Okay.

02:56 15 Q. So, this has what I've excerpted out are  
16 the specifications that were included in that  
17 version.

18 Is this the same type of information that  
19 you have on your sales sheets you're describing  
02:56 20 or is it something different?

21 A. This is basically it. They don't look  
22 like this but similar information.

23 Q. Because the sell sheets are formatted and  
24 have some artwork --

02:57 25 A. Yes.

02:57 1 Q. -- and then like a little box that  
2 summarizes the specifications. Right?

3 A. Yes.

4 Q. And this describes the trigger pull on all  
02:57 5 three versions or all three sizes of the P320  
6 frame as a 5.5, 6.5 trigger pull. Right?

7 That's what the document says?

8 A. Yes.

9 Q. And that that falls within as you  
02:57 10 described in the vicinity of 6?

11 A. 6 plus or minus, yes.

12 MR. WERTS: Okay. Mr. Farkus, I  
13 appreciate your time and attention today. Those  
14 are the questions I have.

02:57 15 MR. GIBSON: No questions for me.

16 THE VIDEOGRAPHER: We're off the record.  
17 The time is 2:57.

18 THE REPORTER: Mr. Werts, would you like  
19 me to type this up?

02:58 20 MR. WERTS: Yes. Electronic only with the  
21 exhibits scanned.

22 MR. GIBSON: Same for me. Full and a  
23 mini.

24 FURTHER DEPONENT SAITH NOT

02:59 25 (Proceedings concluded at 3 p.m.)



## 1 REPORTER'S CERTIFICATE

2  
3 STATE OF TENNESSEE4 COUNTY OF ROANE  
5

6 I, Amy J. Schreck, Licensed Court  
7 Reporter, with offices in Knoxville, Tennessee,  
8 hereby certify that I reported the foregoing  
9 deposition of MATTHEW FARKAS by machine shorthand  
10 to the best of my skills and abilities, and  
11 thereafter the same was reduced to typewritten  
12 form by me. I am not related to any of the  
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23 39-14-104, Theft of Services.



21 \_\_\_\_\_  
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23 Lexitas  
24 LCR #13358964 - Expires: 6/30/26  
25